



**GILBERT A. LIVAS**  
City Manager and Emergency Services Director

**EMERGENCY ORDER NO. 1  
AUTHORIZING A TEMPORARY OUTDOOR DINING PROGRAM  
IN THE CITY OF DOWNEY**

**RECITALS**

**WHEREAS**, pursuant to Article II, Chapter 4, Part 4 of the Downey Municipal Code, Section 2434(a)(1) and Government Code Section 8630(a), the City Manager acting as the Director of Emergency Services is authorized to proclaim the existence or threatened existence of a public emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session;

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person and poses conditions of extreme peril to the public health and safety of persons; and

**WHEREAS**, Los Angeles County announced that the number of confirmed COVID-19 cases in the County is approximately 144 with 1 death; and the Los Angeles County Department of Public Health on March 16, 2020 issued a Health Order prohibiting all indoor and private gatherings and all outdoor public and private events of no more than 50 people; and

**WHEREAS**, COVID-19 therefore has and will continue to cause conditions of peril to the health, safety, and welfare of persons and property in the City of Downey; and

**WHEREAS**, on March 18, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a Local Emergency within the City of Downey, which was ratified by the City Council on March 24, 2020; and

**WHEREAS**, the Los Angeles County Department of Public Health on March 19, 2020 issued a Health Order limiting prohibiting all indoor and private gatherings and all outdoor public and private events of no more than 10 people; and restaurants and other food facilities that prepare and serve food to only drive-through, delivery, and take out services; and

**WHEREAS**, the Los Angeles County Department of Public Health on March 21, 2020 issued a Health Order limiting prohibiting all indoor and private gatherings and all outdoor public and private events, and that restaurants and other food facilities that prepare and serve food to continue only drive-through, delivery, and take out services; and

**WHEREAS**, the Los Angeles County Department of Public Health March 28, 2020 Update announced that the total number of confirmed COVID-19 cases in the County

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since the pandemic began was approximately 49, 774 with 2,241 deaths, and that the average daily positive confirmed cases, deaths, and hospitalization rates are slowly declining;

**WHEREAS**, on May 29, 2020 the County of Los Angeles announced the State's approval of the County's plan to move further into "Stage 2" of the State's "Resiliency Roadmap" which permitted restaurants to utilize the indoor dining areas subject to safety protocols and reduce occupancy to no more than 60 percent of prior maximum seating; and

**WHEREAS**, the City intends to assist local restaurant businesses with their loss of seating capacity by developing a Temporary Outdoor Dining Program ("Program") to allow temporary utilization of outdoor areas on private and public property to serve food and drinks to customers, subject to operational standards set by the County of Los Angeles Public Health Officer and City of Downey; and,

**WHEREAS**, the Downtown Core area, as defined by the Downtown Downey Specific Plan, has a unique physical character that provides opportunity for use of the public right-of-way areas, including sidewalks and street parking areas, for temporary dining purposes subject to safety standards set forth by the Department of Public Works through issuance of an encroachment permit; and,

**WHEREAS**, the Program is necessary to assist local dine-in restaurants as they will not be able to achieve normal occupancy levels given physical distancing requirements and other modifications deemed necessary for public health; and.

**WHEREAS**, the City Manager acting as the Director of Emergency Services is authorized to promulgate orders and regulations necessary to provide for the protection of life and property; and to further provide for the economic recovery of local restaurants, to allow and encourage outdoor dining subject to the following protocols and expedited review, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

**As the Director of Emergency Services pursuant to Downey Municipal Code Section 2433(a) and by the powers vested in me by Downey Municipal Code Section 2434, I hereby issue the following order, to be effective immediately and continue for 90 days, and can be extended at such time as needed, until the Governor lifts the limitations on inside dining.**

1. Pursuant to the May 29, 2020 County of Los Angeles announcement of the State's approval of the County's plan to move further into "Stage 2" of the State's "Resiliency Roadmap" which permits restaurants to utilize the indoor dining areas subject to safety protocols and reduce occupancy to no more than 60 percent of prior maximum seating, and to further provide for the economic recovery of our local restaurants, outdoor dining is allowed and encouraged subject to the following protocols and expedited review, as set forth in the "Temporary Outdoor Dining Program" as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

2. Restaurants participating in the Temporary Outdoor Dining Program shall also follow the following guidelines:

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- A. All restaurants in the City are eligible to participate in the Program with property owner authorization;
- B. Restaurants that hold an existing license to serve alcohol from the California Department of Alcoholic Beverage Control are permitted to exercise that license in the temporary dining areas approved through the Program, subject to compliance with the COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19);
- C. Restaurants located within the Downtown Core, as defined in the Downtown Downey Specific Plan, are permitted to utilize public rights-of-way including sidewalks and parking spaces subject to safety standards and obtaining an encroachment permit from the Department of Public Works;
- D. Restaurants shall abide by the health guidelines and protocols issued by the County Public Health Officer;
- E. Restaurants shall comply with guidelines and operating standards set forth in the Temporary Outdoor Dining Guidelines and Procedures application attached to hereto as Exhibit A; and
- F. That the City Manager acting as the Emergency Services Director is authorized to enact said Program with no fee and waive the collection of encroachment permit fees associated with this Program; and

**IT IS SO ORDERED.**

**Director of Emergency Services**



**Gilbert A. Livas  
City Manager**

6/4/20  
Date

10:30 am  
Time