



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

**EMERGENCY ORDER NO. 3  
AUTHORIZING THE CLOSURE OF DOWNEY AVENUE BETWEEN 2<sup>nd</sup> and 3<sup>rd</sup>  
STREETS FOR TEMPORARY OUTDOOR BUSINESS USE  
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**, the Los Angeles County Department of Public Health on March 16, 2020 issued a Health Officer Order prohibiting all indoor and private gatherings and all outdoor public and private events of no more than 50 people and later updated its Health Officer Order on March 21, 2020 prohibiting all indoor and outdoor gatherings and events, and requiring all businesses to cease in-person operations and close to the public, unless the business is defined as an Essential Business; 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**, 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 reduced occupancy;

**WHEREAS**, Los Angeles County announced that the number of confirmed COVID-19 cases in the County as of July 13, 2020 was approximately 140,636 with 3,763 deaths and that the County continues to see a high number of cases; 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**, with the rising number of infections and deaths in Los Angeles County due to the COVID-19 pandemic, Governor Newsom on July 13, 2020 ordered 30 counties in the

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State, including Los Angeles County, to close indoor activities at fitness centers, places of worship, offices for non-critical sectors, personal care services, such as hair salons and barbershops, and indoor malls; and all 58 counties in the State to close indoor operations at restaurants, wineries, tasting rooms, movie theaters, family entertainment centers, museums, zoos and card rooms, and ordered all bars shuttered across the state.

**WHEREAS**, On July 14, 2020, the County of Los Angeles issued a revised Health Officer Order, "Safer at Work and in the Community for Control of COVID-19" prohibiting indoor operations of various businesses, in order to comply with the Statewide Public Health Officer Order that was issued on July 13, 2020; and

**WHEREAS**, closing a portion of Downey Avenue between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street to allow Downey businesses to temporarily operate in the outdoor areas on the public rights-of-way will help local businesses remain open at close to normal occupancy levels, reduce the economic impacts of the indoor closure order, and help reduce the spread of COVID-19, which would otherwise be impossible under the current County closure order; and

**WHEREAS**, the stability of local businesses is important in the City of Downey, given the number of small businesses in the Downtown Downey Core and the need to: (1) preserve the existing commercial core of businesses, (2) minimize the job losses that may occur from displacement, relocation, or closures of businesses, and (3) to attract new businesses in the Downtown Downey Specific Plan area; and

**WHEREAS**, the Downtown Core area, as defined by the Downtown Downey Specific Plan, has a unique physical character that provides an opportunity for use of the public right-of-way areas, including sidewalks and parking areas, for temporary purposes subject to safety standards set forth by the County of Los Angeles Public Health Officer and the issuance of an encroachment permit by the Downey Public Works Department; 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 businesses, to allow and encourage outdoor business uses subject to the following protocols and expedited review.

**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:**

1. Downey Avenue, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, as depicted in Exhibit A, is hereby closed. Businesses located on Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets are permitted to utilize the public rights-of-way, sidewalks, parking spaces and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets for their business activities and operations, subject to the guidelines set forth herein.

2. Businesses wishing to operate their business in the portion of public rights-of-way, sidewalks, parking spaces and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets shall follow the following guidelines:

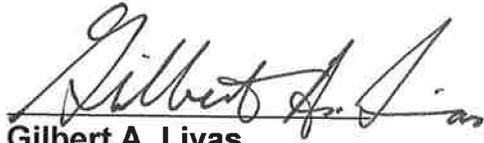
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- A.** All businesses located on Downey Avenue, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets are eligible to operate their businesses only on the public rights-of-way, sidewalks, parking spaces and the closed portion of street on Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets and no other location.
- B.** Businesses that hold an existing license to serve alcohol from the California Department of Alcoholic Beverage Control are permitted to exercise that license in approved temporary outdoor areas, with approval of a COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19).
- C.** Businesses are permitted to operate on the public rights-of-way, sidewalks, parking spaces, and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, subject to safety and accessibility standards, conditions of approval imposed by the City, and by obtaining an encroachment permit from the Department of Public Works.
- D.** Businesses with an encroachment permit to operate on the public rights-of-way, sidewalks, parking spaces, and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets shall indemnify the City of Downey, and its officers, officials, employees and agents from liability on a form approved by the City Attorney and shall provide insurance as required by the Director of Public Works.
- E.** Businesses shall abide by the health guidelines and protocols issued by the County Public Health Officer.
- F.** Businesses open no earlier, and close no later, than the businesses' regular hours of operation or 10:30 p.m., whichever is earlier.
- G.** Restaurant bars are only allowed to sell alcohol with the purchase of food. No bars or bar counter set-up is allowed in the public rights-of-way, sidewalks, parking spaces, and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.
- H.** No televisions, live entertainment, dancing, music, or amplification of any kind is allowed on the public rights-of-way, sidewalks, parking spaces, and the closed portion of Downey Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. Ambient music is allowed only in accordanc with Downey Municipal Code Article IV, Chapter 6, Section 4600 ("Noises").
- I.** That the City Manager acting as the Emergency Services Director is authorized to waive the associated collection of encroachment permit fees.
- J.** This Order is effective immediately and shall remain in effect for 180 days or until the State of California lifts the limitations on indoor business activities and operations, whichever comes later. This order may be terminated sooner or extended further by order of the Director of Emergency Services or the City Council.

IT IS SO ORDERED.

Director of Emergency Services

  
Gilbert A. Livas  
City Manager

7/23/2020  
Date

2:19 pm  
Time

EXHIBIT A

# Exhibit "A"

## Downey Avenue Closure Diagram

