

Office of the City Attorney

**Emergency Order No. 9 of the City of Oakland
City Administrator/Director of the Emergency Operations Center**

Whereas, due to the spread of COVID-19 (coronavirus) within the State, on March 1, 2020, the Alameda County Public Health Department, and on March 4, 2020, Governor Gavin Newsom, declared local and State public health emergencies due to the spread of COVID-19 locally and within the State, pursuant to Health & Safety Code section 101080 and Government Code section 8625, respectively, and

Whereas, on March 9, 2020, the former City Administrator, in her capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland (“COVID-19 Local Emergency”). The City Administrator declared the COVID-19 Local Emergency pursuant to her power under Oakland Municipal Code (O.M.C.) section 8.50.050(C) to proclaim a local emergency provided that the local emergency proclamation shall remain in effect only if the City Council confirms the existence of the emergency within seven (7) days of the proclamation; and

Whereas, On March 12, the City Council passed Resolution No. 88075 C.M.S. confirming the existence of the COVID-19 Local Emergency; and

Whereas, Coronavirus is highly contagious; and

Whereas, making testing for COVID-19 more widely available to City residents will reduce the spread of COVID-19 to health care providers, other hospital patients, and the public; and

Whereas, the City recognizes that access to testing must be universal and prioritized in neighborhoods where residents and workers experience greater rates of COVID-19 infection; and

Whereas, through its partnership with neighborhood and County health and wellness programs, the City strives to provide access to testing in locations sensitive to cultural affinities; and

Whereas, many neighborhoods that experience high rates of COVID-19 do not have private or public lots suitable for COVID-19 testing services; and

Whereas, the City’s rights-of-way including sidewalks, parking lanes and travel lanes may serve as critical additional opportunities for sites for temporary testing services; and

Whereas, the Office of the City Administrator has authority “to promulgate orders, rules, and regulations on matters reasonably related to the protection of life and property and the preservation of public peace and order, in accordance with Article 14 of the California Emergency Services Act, [and such] rules and regulations must be confirmed at the earliest practicable time by the governing body as required by law”; and

Whereas, the City Administrator has previously issued Emergency Orders to streamline permitting processing for the public-right-of way for businesses and authorized the testing of COVID-19 on private property and City-owned property; and

Whereas, this Emergency Order will extend the streamlined permitting process for the use of the public right of way for the testing of COVID-19, which has not yet been explicitly authorized; and

Whereas, the actions authorized by this Emergency Order No. 6 are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code sections 21080(b)(4) as actions necessary to mitigate the COVID-19 Local Emergency; and

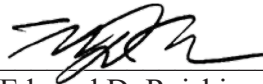
Now, therefore, I, Edward D. Reiskin, City Administrator/Director of the EOC of the City of Oakland, in accordance with the authority vested in me pursuant to Oakland's Emergency Services Act, Oakland Municipal Code Chapter 8.50, specifically section 8.50.050.C.5(a), hereby order the following:

1. COVID-19 Temporary Testing Facilities Use of the Public Right-of-Way.

- A. This Order authorizes the Department of Transportation, through its Director (the "Transportation Director"), to implement a temporary program to streamline the permitting process for the use of the public sidewalk and public parking lane for COVID-19 testing and related COVID-19 medical activities. Permits under this program shall be subject to the rules and regulations set forth in Emergency Order Number Four (4) Attachment A.
- B. This Order also authorizes the Transportation Director to grant the temporary closure of traffic lanes and of public streets for the purpose of permitting drive-through, drive-in, walk-up or other outdoor facilities for COVID-19 testing and related COVID-19 medical activities. Permits under this program shall be subject to the rules and regulations set forth in Emergency Order Number Four (4) Attachment E, except that a majority of neighboring tenants need not support the temporary street closure.
- C. The Transportation Director shall consult with the City Administrator's Office, Fire Department, Police Department, Public Works, and Planning Bureau, as appropriate, to ensure the program is implemented safely, and the Transportation Director or City Administrator may delegate aspects of review and approval to such departments.
- D. The City may waive fees for permits to facilitate this program.
- E. Any permits issued under this Order shall be revocable at any time at the discretion of the Transportation Director or City Administrator, respectively, and shall expire upon the earlier to occur of: (1) the end of the local COVID-19 Emergency or (2) suspension, termination, or replacement of this Order.

I FURTHER DIRECT that as soon hereafter as possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand this 29th day of October ____, 2020



Edward D. Reiskin
City Administrator/Director of Emergency
Operations Center, City of Oakland, California

Attest:



Asha Reed (Oct 30, 2020 11:34 PDT)

Asha Reed
City Clerk and Clerk of the City Council
City of Oakland, California

ATTACHMENT A

Standards for COVID-19 Testing Facility on Public Property

The Real Property Asset Manager shall ensure that all licenses with eligible operators require compliance with the City's standard license provisions, as well as the following standards specific to the use:

1. The COVID-19 Testing Facility shall be properly licensed by appropriate state and local agencies to perform any COVID-19 Testing Facility activities.
2. The COVID-19 Testing Facility must comply with all applicable laws relating to litter, noise, and other livability matters and any other limitations relating to noise when the Real Property Asset Manager or his designee finds that such additional license terms or limitations are necessary or appropriate based on the location of the COVID-19 Testing Facility and the proximity of such area to residential areas, including without limitation existing residences, existing residential neighborhoods, and residentially-zoned properties.
3. Unless authorized as part of the license or other permit by the City, the COVID-19 Testing Facility shall not encroach within any public right-of-way.
4. The COVID-19 Testing Facility shall not encroach into or interfere with required handicapped parking spaces.
5. The COVID-19 Testing Facility shall not interfere with safe pedestrian and vehicular access or access required to be maintained under the Americans with Disabilities Act (ADA).
6. The COVID-19 Testing Facility shall not encroach within or interfere with fire or other emergency access.
7. The COVID-19 Testing Facility shall comply with all applicable provisions of the Building and Fire Codes.
8. The COVID-19 Testing Facility shall comply with the Alameda County Health Order in effect at all relevant times of operation.
9. The Real Property Asset Manager or his/her designee may impose other reasonable conditions or limitations to protect against adverse impacts from noise, parking, fire, people with disabilities, and travel.
10. The license shall permit only temporary structures during the term of the license. No permanent structures may be installed or constructed on the properties subject to such licenses unless the structures comply with all requirements and approvals of the Oakland Planning Code.