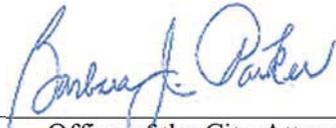


Approved as to Form and Legality

  
Office of the City Attorney

**Emergency Order No. 6 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**, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors”, and further acknowledged that the “supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care”; and

**Whereas**, the Governor’s Order N-33-20 provides that, to mitigate/control the spread of COVID-19, when people need to leave their homes or places of residence to carry out specified essential functions or to facilitate necessary activities, they should at all times practice “social distancing”, which means remaining a distance of six (6) feet from other persons when in public places; and

**Whereas**, on March 16, 2020, the Alameda County Health Officer issued Health Order No. 20-03 directing Alameda County residents to “shelter in place,” or stay at home, except as necessary to take care of essential needs. That Order was extended to April 7, 2020. On March 31, 2020, the Alameda County Health Officer issued a replacement order, Health Order No. 20-04, which tightened the restrictions and extended the stay-at-home order through May 3; and the Order was extended and revised by County Orders No. 20-11, No. 20-14 and Order No. 20-14a, each of which orders permitted certain businesses to resume operating even though the pandemic continues; and

**Whereas**, on May 18, 2020, County Order No. 20-11 deemed all construction activities to be “essential businesses” that were permitted to resume operation while implementing certain safety measures; and

**Whereas**, during this pandemic the building and construction trades were temporarily prohibited from operating unless deemed essential, and such prohibition caused significant delays and negatively impacted financial investment in a broad range of development projects, with most of those projects still feeling the impacts of the pandemic currently and into the foreseeable future; and

**Whereas**, even when the building and construction trades were permitted to resume work as essential businesses, their business operations have been slowed as a result of: implementing required employee social distancing and other safety measures, while also losing valuable workforce to precautionary and actual sick leave as a result of the coronavirus concerns among employees; and

**Whereas**, the building and construction trades still continue to face considerable market uncertainty and delay as the global pandemic continues to hinder the shipment of building materials and supplies, creates general market uncertainty, and negatively impacts financing for development projects in the City; and

**Whereas**, since the County has deemed all construction to be an essential activity, the extension of planning entitlements for construction projects is necessary to allow for an essential activity to continue to operate; and

**Whereas**, COVID testing facilities are in high demand in Oakland and serve to ensure early detection of those who are infected with the virus. Since the coronavirus is highly contagious, the approval of drive-thru, drive-in and other community-based COVID testing facilities on publicly-owned property will make testing more widely available to City residents, in a manner that reduces the spread of COVID-19 to health care providers, other hospital patients, and the public through appropriate social distancing protocols and ventilation at such facilities; 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 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. Extension of Planning Entitlements.**

- A. For planning entitlements that have not expired as of March 9, 2020 (when the COVID-19 Local Emergency was first declared) but are set to expire on or before August 1, 2022, the expiration date shall be extended by two (2) years, without further discretionary review, upon the filing of an extension request and payment of the Administrative Extension Fee. The planning entitlements covered under this Section shall include all permits issued by the Planning Bureau pursuant to O.M.C. Title 17 and O.M.C. Chapter 13.16. Such extensions shall not confer any vested rights not already obtained by the developer by operation of law.
- B. The applicant has the burden of showing that their entitlement(s): (1) did not expire as of March 9, 2020 and (2) are set to expire on or before August 1, 2022. Nothing herein waives or modifies the obligation of an applicant to request the extension from Planning Staff and pay the Administrative Extension Fee. Upon satisfaction of the foregoing requirements, the Planning Director or his designee shall automatically extend the expiration date of the entitlement by two (2) years.

C. The entitlement extensions eligible under this Section do not include any extensions that may be applied for or granted under O.M.C. Chapters 15.68, 15.72 and 15.74.

2. **COVID-19 Testing Facility Use on Public Property.**

A. Notwithstanding the restrictions and/or requirements set forth in O.M.C. Chapter 2.42 or Title 17, the City's Real Property Asset Manager is hereby authorized to enter into license agreements with eligible testing operators for drive-through, drive-in, walk-up, or other outdoor facilities for COVID-19 testing and related COVID-19 medical activities ("COVID-19 Testing Facility") on land owned or leased by the City ("City-Controlled Property"), without City Council authorization or further approvals from the Planning Bureau . The license agreements shall be approved for form and legality by the City Attorney.

B. An operator of a COVID-19 Testing Facility may be eligible to operate such facility on City-Controlled Property if the operator receives, in addition to the license agreement required under subsection A, approval from the Alameda County Public Health Department and if the COVID-19 Testing Facility operator agrees to the Standards for COVID-19 Testing Facility on Public Property set forth in **Attachment A**.

**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 27th day of July \_\_, 2020



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

Attest:



\_\_\_\_\_  
Asha Reed (Jul 27 2020 10:51 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.

# 20-0727 CAO Emergency Order (COVID) No. 6

Final Audit Report

2020-07-27

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