

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES  
FOR THE CITY OF LIVERMORE  
ESTABLISHING A TEMPORARY OUTDOOR DINING PERMIT PROGRAM**

On March 13, 2020, under the authority contained in California Government Code section 8634 and City of Livermore Municipal Code sections 2.56.050 and 2.56.060, I declared the existence of a local emergency in the City of Livermore.

On March 16, 2020, the City Council of the City of Livermore adopted a resolution ratifying the proclamation of the existence of a local emergency in the City of Livermore.

On June 8, 2020, the City Council of the City of Livermore extended the local emergency, finding that emergency conditions were still present in the City as a result of COVID-19.

Downtown businesses and businesses throughout the City are an integral part of the Livermore Community, as they provide jobs, essential services and other amenities to our residents. These businesses also provide sales tax revenue to the City that allows the City to provide services to the broader community.

Due to the COVID-19 pandemic, and the resulting shelter in place restrictions, local restaurants and businesses require operational modifications to ensure compliance with county orders. Effective June 19, 2020, the Health Officer of the County of Alameda has allowed outdoor dining, in addition to indoor retail and outdoor fitness activities, with various modifications to maintain social distancing and safety of the patrons.

In an effort to assist our business community accomplish those operational changes and to retain these businesses, I, as the Emergency Services Director, have instructed staff to create and implement a new permit program tailored for these emergency conditions.

Under California Government Code section 8634 and Livermore Municipal Code section 2.56.060.B.1, I am empowered upon the proclamation of a local emergency to make and issue orders and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. These orders and regulations are to be confirmed by the City Council at the earliest practicable time.

**THEREFORE**, I, Marc Roberts, as Director of Emergency Services, order the following:

1. Staff shall create and implement a temporary permit program that allows for review of the following activities to be conducted in the public right-of-way, parking spaces, parking lots, and other outdoor spaces:
  - New outdoor dining/display
  - Expansion of existing dining/display

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- Pick-up/drop-off zones
- Health and Fitness Classes

2. The permits shall be issued with conditions of approval and the program activities must comply with existing City rules and ordinances unless specified herein, including the need for insurance and indemnity in the City's favor.

3. In order to make this program a success and assist the local economy, the program requires temporary modification or suspension of certain regulations. Safety will remain paramount and with that in mind, I am directing the following:

- The 25% limitation in Chapter 6 of the Downtown Specific Plan related to the use of the parking spaces on First Street, between M Street and Maple Street, is hereby suspended. The City has received interest and permit applications that exceed 25% of these spaces. Due to the unique nature of this emergency and the need for outdoor space, suspending this limitation will enable downtown businesses to continue to operate, and will therefore preserve our downtown economy.
- Temporary road closures will be permitted to accommodate this program. However, road closures and the resulting technical changes to traffic patterns, detour plans, signage, signal lights, parking requirements and other operational adjustments will be implemented in a manner approved in advance by the City Engineer.
- Temporary parking adjustments will be permitted to accommodate this program. Technical adjustments must be reviewed and approved in advance by the City Engineer.

4. The permittee must comply with all rules of the California Department of Alcoholic Beverage Control (ABC). Failure to comply with this requirement or any of the conditions of approval may result in revocation of the City's Outdoor Dining and Display Permit.

5. Music for outdoor dining will be allowed but such music must be at a volume that can be contained within the permittee's dining area only. The music must not be so loud that it is heard at adjoining businesses or adjacent public areas.

6. All activities authorized under this temporary program must comply with the orders of the Health Officer of the County of Alameda and the State of California.

7. All permits issued under this program prior to the date of my signature below have been reviewed and are hereby ratified.

8. This program will terminate at the discretion of the Director of Emergency Services, but in no event beyond the period of the local emergency.

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9. This program is subject to change based upon state, regional, and local health orders and the City's operational needs.

This Order shall go into effect immediately and be in effect through the period of the local emergency for the City of Livermore, unless it is superseded by a duly enacted Ordinance of the City Council of the City of Livermore or a superseding order issued by a duly authorized person or agency. This Order may be extended or supplemented in response to subsequent Executive Orders by the Governor of the State of California on this subject, or orders or ordinances issued or adopted by Alameda County complementing or superseding this Order, or the City Council or the Director of Emergency Services for the City of Livermore.

Dated: 6/24/20



Marc Roberts  
Director of Emergency Services