



# City of Palo Alto

## City Council Staff Report

(ID # 11801)

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**Report Type: Consent Calendar**

**Meeting Date: 12/14/2020**

**Summary Title: Extension of Temporary Street Closures to May 31, 2021**

**Title: Adoption of a Resolution Amending and Restating Resolution Number 9911 to Extend the Temporary Street Closures of California Avenue, University Avenue and Adjacent Downtown Blocks to May 31, 2021**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends that Council adopt a resolution (Attachment A) amending and restating Resolution No. 9911 to extend the temporary street closures of California Avenue, University Avenue and adjacent Downtown blocks to May 31, 2021.

### **Executive Summary**

On November 9, 2020 the City Council voted 6-1, Vice Mayor DuBois dissenting, to extend the closures of portions of California Avenue and University Avenue to vehicular traffic until May 31, 2021.<sup>1</sup> By approving the attached resolution (Attachment A), the Council will grant the City Manager the authority to close portions of University Avenue and intersecting streets as well as portions of California Avenue and intersecting streets. As the City Manager and staff continue to monitor the activity on these “Uplift Local” streets, the footprint of the street closures may be adjusted and adapted to changing conditions.

### **Background**

This action builds on previous Council actions. On June 23, 2020, the City Council approved Resolution 9909, which authorized the City Manager to close specific sections of University Avenue, California Avenue, and segments of intersecting streets to vehicular traffic.<sup>2</sup> On August

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<sup>1</sup> November 9, 2020 Staff Report:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=49936.29&BlobID=78988>; November 9, 2020

Draft Action Minutes: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=59509.74&BlobID=79270>

<sup>2</sup> June 23, 2020 Staff Report: <https://www.cityofpaloalto.org/civicax/filebank/documents/77353>; June 23, 2020

Action Minutes: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41385.09&BlobID=78142>

10, 2020, the City Council approved Resolution 9911, which amended Resolution 9909 to extend the date of the closures to December 31, 2020.<sup>3</sup> The proposed resolution extends the authority for closures to May 31, 2021 by amending and restating the extension in Resolution 9911. As the spring nears, the Council can revisit the effectiveness of the closures.

### **Discussion**

When first instituted, the street closures served to provide increased areas for outdoor business to occur. Business occurring outside reduces the risk of transmitting COVID-19. As the transmission of COVID-19 has become more severe and widespread throughout Santa Clara County, conducting business outside has become even more imperative. Under the purple statewide tier, several industries are only allowed to operate outdoors.

In addition to providing a less risky business environment, the elimination and reduction of vehicular traffic provided and enhanced area for pedestrians and cyclists. Many residents enjoyed riding and walking in the streets without the threat of vehicles.

The California Avenue business community shares broad support for maintaining the street closures. The high density of restaurants, the smaller scale of the closure footprint, and the limited opportunities for parklets create an environment highly conducive to outdoor dining and retail.

The University Avenue businesses have a greater variety of positions and opinions regarding the closure of University Avenue to traffic. Since June 2020, a number of iterations have been deployed and adjustments made to better meet the needs of residents, visitors, and the businesses serving them. For restaurants and their patrons, outdoor dining remains an important. Some retailers expressed concern for the impacts street closures have on the visibility of their stores and the accessibility as well. Staff continue to recommend maintaining the authority for the closures.

### **Timeline**

This Resolution shall be effective immediately upon passage by a majority of the City Council.

### **Stakeholder Engagement**

Staff has implemented a number of outreach strategies related to the recovery. This includes bi-weekly meetings with California Avenue and Downtown businesses and monthly community meetings. At these meetings, a wide range of topics are discussed in order to obtain direct feedback from stakeholders. In addition, an online questionnaire is made available for business

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<sup>3</sup> August 10, 2020 Staff Report:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=52559.36&BlobID=77830>; August 10, 2020 Action Minutes: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41119.8&BlobID=78141>.

and members of the public to answer. Staff continues specific outreach to focused groups, such as retailers of goods, childcare providers, and owners of vacant storefronts. As progress on the recovery continues, staff will continue to work closely with local and county stakeholders.

**Environmental Review (If Applicable)**

The proposed actions are statutorily exempt under California Environmental Quality Act (CEQA) section 20180(b)(4) (specific actions necessary to prevent or mitigate an emergency) and are categorically exempt from CEQA under CEQA Guidelines 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

**Attachments:**

**Attachment A - Resolution Amending and Restating Resolution No. 9911 to Extend Temporary Street Closures to May 31, 2021(PDF)**

Resolution No. \_\_\_\_\_

Resolution of the Council of the City of Palo Alto Amending and Restating Resolution No. 9911 to Extend the Temporary Closures of Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101, and to Extend the Effective Date of Resolution No. 9909, All Pursuant to the Local Emergency Declaration to Facilitate Outdoor Dining, Retail, and Other Uses

RECITALS

A. On June 23, 2020, the Council adopted Resolution No. 9909 approving the temporary closure of portions of California Avenue, University Avenue and certain other Downtown streets through Labor Day 2020 to allow for outdoor dining and retail on those streets, consistent with the Santa Clara County Public Health Order in effect. The street closures were part of a Summer Streets Program initiated by the City to accommodate outdoor uses at a time when indoor dining remained prohibited in the County and the growing scientific evidence showed a lower risk of COVID-19 transmission outdoors compared to indoors. At that time, the City anticipated that indoor dining would be allowed to resume in the County, as had been allowed in neighboring counties, and sought to address the immediate needs of the community including residents, workers and businesses that had been severely impacted by loss of business activity and revenue.

B. Through Resolution No. 9909 the Council also approved a temporary pilot parklet program to allow parklets to be installed in on-street parking spaces on an expedited and temporary basis to provide more space for outdoor dining.

C. On July 2, 2020, the County Public Health Officer issued a revised Shelter in Place Order, to become effective on July 13, 2020, that allowed certain additional activities to resume if specified strict across-the-board risk reduction measures were followed. The objective was to allow activities that were already allowed in surrounding jurisdictions, which had reopened more quickly than Santa Clara County, so long as the prescribed risk reduction measures were followed.

D. On July 7, 2020, the State approved Santa Clara County's requested variance that allowed the revised Shelter in Place Order to go into effect on July 13, 2020.

E. However, with the number of COVID-19 cases dramatically increasing again in the State, on July 13, 2020, the Governor announced a sweeping roll back of the reopening that the State had allowed. The State mandated that all counties close certain indoor operations, including in-restaurant dining. For counties on the State's monitoring list for 3 consecutive days (and thus placed on the State "watchlist"), the State required the closure of additional industries or activities unless they could be modified to operate outside or by pick-up; these included gyms and fitness centers, places of worship and cultural ceremonies, personal care services, hair salons and barbershops, and shopping malls.

F. Through the summer, the United States including “hot spots” like California continued to hit new highs in confirmed cases and deaths, as the loosening of shelter-in-place restrictions had precipitated a resurgence of the virus in many states, including California. As of July 27, 2020, the State was averaging nearly 10,000 new COVID-19 cases per day, and hospitals and their intensive care units were filling up. Thirty-seven counties representing 93% of the State’s population were on the State’s watchlist, and California had 460,550 confirmed cases of COVID-19, resulting in 8,445 deaths.

G. On August 10, 2020, the Council adopted Resolution No. 9911, which amended Resolution 9909, to extend until December 31, 2020 the temporary closure of portions of California Avenue and University Avenue and certain intersecting streets to allow for continued use of these areas in the heart of the City’s commercial districts to allow for outdoor dining and potentially other activities as may be allowed by State and County Public Health Orders. Resolution No. 9911 also extended the temporary parklet program to September 7, 2021.

H. Since August 2020, the County Public Health Officer issued a Risk Reduction Order on October 5, 2020, which coincided with the County moving into the orange tier under the State’s “Blueprint for a Safer Economy” tiered restriction system.

I. However, on November 16, 2020, the State moved Santa Clara County two steps from the orange/moderate tier to the purple/widespread tier (the highest risk tier) due to a sharp increase in COVID-19 cases statewide. On that date, the County reported 388 new cases of COVID-19, bringing the cumulative total to 28,686. As of November 17, 2020, California reported 1,029,235 confirmed cases of COVID-19, resulting in 18,263 deaths, and 94.1% of the State’s population was now in the purple tier (according to the Governor’s Office). The State’s rules for the purple/widespread tier mandate that restaurants and gyms cannot have indoor service and retail stores may only have 25% capacity indoors.

J. In the midst of this surge in COVID-19 cases, the City of Palo Alto has continued to take measured steps to allow businesses to resume activities in outdoor settings. As a key part of those efforts, the Uplift Local Program (formerly known as the Summer Streets Program) has created an attractive pedestrian environment on the closed streets resulting in increased foot traffic. A number of restaurants have taken advantage of the program and created outdoor seating in the streets, on sidewalks, and on parklets. Residents and visitors who have come to University Avenue and California Avenue have expressed delight and reported having a highly enjoyable experience.

K. The current pace of re-opening across the State and the high likelihood that the pandemic will continue into 2021 increase the chances that outdoor dining may remain the only means for table service to continue. Even if indoor dining is allowed, patrons may be unwilling to participate, or the opportunity may be rescinded if the County exceeds the COVID indicator thresholds issued by the State.

L. The Council desires to extend the street closures through May 31, 2021 to allow for the continued use of the main thoroughfares in the heart of its commercial districts for outdoor dining, and potentially other activities as may be allowed by the State and County Public Health Orders.

M. The Council also desires to allow the temporary parklet program to continue through September 7, 2021 as the need for outdoor dining will likely persist into 2021 until the virus can be more effectively contained and mitigated through a vaccine or other public health advancements and measures.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. Findings and Declarations. The Council hereby adopts the above Recitals as findings of the Council.

SECTION 2. Extension of Temporary Street Closures. The Temporary Street Closures approved and authorized in Section 2 (Temporary Street Closures) of Resolution No. 9909 and extended by Resolution 9911 are hereby extended through May 31, 2021. Section 2 of Resolution No. 9909 is amended to read as follows:

Temporary Street Closures

- A. The following streets are hereby closed to any and all vehicular traffic through May 31, 2021, in accordance with California Vehicle Code Section 21101(e), to facilitate the temporary uses of outdoor dining, retail, and other permitted uses:
1. California Avenue from Birch Street to El Camino Real; and
  2. University Avenue from High Street to Cowper Street, with continued vehicular access across University Avenue at each of the intersecting streets.
- B. The City Manager is authorized to determine the days, hours and duration of the temporary street closure(s) within the period specified in Section A, with reasonable notice provided, and whether exceptions to the closure shall be made for municipal purposes.

SECTION 3. Sunset of Resolution No. 9909. Resolution No. 9909 shall remain in effect until September 7, 2021, unless extended by the City Council.

SECTION 4. Supersedes Resolution 9911. This Resolution shall supersede Resolution No. 9911. Should any conflict arise between this Resolution and Resolution No. 9911, this Resolution shall control.

SECTION 5. The Council finds that this Resolution is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 20180(b)(4) (specific actions necessary to mitigate or prevent an emergency) and is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

SECTION 6. This Resolution shall become effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

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Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

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Chief Transportation Official