

Resolution No. 9987

Resolution of the Council of the City of Palo Alto Extending the Temporary
Closure of a Portion of California Avenue Pursuant to California Vehicle Code
Section 21101 to Facilitate Outdoor Dining, Retail, and Other Uses

R E C I T A L S

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. On December 14, 2020, the Council adopted Resolution 9933, which amended Resolution 9099, to extend until May 31, 2021 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.

K. On March 3, 2021, the State moved Santa Clara County one step down from the purple/widespread tier to the red/substantial tier. As of March 16, 2021, the County reported a cumulative total of 112,909 COVID cases and 1,867 deaths.

L. On May 10, 2021, the Council adopted Resolution 9954, which further amended Resolution 9099 to extend until October 31, 2021 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.

M. On June 7, 2021, the Council adopted Resolution 9962. Resolution 9962 amended and restated Section 4 of Resolution 9909 regarding the pilot parklet program on a non-emergency basis.

N. On June 15, 2021, the State of California eliminated the Blueprint for a Safer Economy system of COVID-related rules and restrictions (also known as the color-tier system) amidst improvements in public health data and increasing availability of the COVID vaccine. The City of Palo Alto rescinded its declaration of local emergency on July 1, 2021.

O. However, since the rollback of restrictions and initial decrease of COVID cases, the number of COVID cases has increased. Since July 2021, the number of COVID Cases in the County of Santa Clara has moved upward, from fewer than 30 cases per day to more than 300 cases per day on many days in August 2021. As of September 1, 2021, the 7-day rolling average new cases is 361 in the County. On August 2, 2021, the County issued a requirement to wear face coverings indoors, regardless of vaccination status.

P. According to the federal Centers for Disease Control (CDC), the Delta variant of COVID-19 is currently the dominant strain of virus in the United States as of August 2021. The CDC finds that the Delta variant is more than 2x more contagious compared to previous variants, and fully vaccinated people with the Delta variant breakthrough infections can spread the virus to others.

Q. In the midst of this continued COVID-19 pandemic, 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.

R. The recent increase of COVID cases across the State and the high likelihood that the pandemic will continue through the end of 2021 increases the chances that outdoor dining remains a key tool to reduce the risk from the spread of COVID-19 while allowing restaurants to continue some operations. Even if indoor dining is allowed, patrons may be unwilling to participate, or the opportunity may be rescinded if indoor restrictions return.

S. On September 13, 2021 the Council voted to extend the street closures of portions of California Avenue and Ramona Street through June 30, 2022 to allow for the continued use of these streets for outdoor dining and other activities as may be allowed. The Council voted on each street separately and this Resolution extends the closure of California Avenue only; a separate resolution extends the closure of Ramona Street. At the same meeting, the Council directed the City Manager to open the portion of University Avenue which was closed by Resolution 9909 and its successors on October 15, 2021.

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. Supersedes Resolution 9954. This Resolution shall supersede Resolution 9954, which is rescinded as of the effective date of this Resolution.

SECTION 3. Extension of Temporary Street Closure

A. The following street is hereby closed to any and all vehicular traffic through June 30, 2022, 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.

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. The City Manager is also authorized to close only part of the street authorized for closure in Section A.

SECTION 4. 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).

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SECTION 5. This Resolution shall become effective on October 15, 2021.

INTRODUCED AND PASSED: September 13, 2021

AYES: BURT, CORMACK, DUBOIS, STONE, TANAKA

NOES: FILSETH, KOU

ABSENT:


ABSTENTIONS:


ATTEST:

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City Clerk

APPROVED AS TO FORM:

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23DECA072A0E483...
Deputy City Attorney

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Mayor

APPROVED:


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City Manager

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Director of Public Works

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Chief Transportation Official

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Director of Planning and Development
Services

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Director of Public Works

City of Palo Alto

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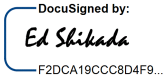
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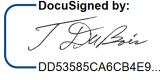
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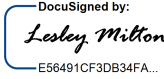
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