

## RESOLUTION NO. 16006

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING THE EXTENSION OF THE TEMPORARY CLOSURE OF CITY STREETS TO ALLOW FOR OUTDOOR DINING DURING THE COVID-19 EMERGENCY

**WHEREAS**, California Vehicle Code section 21101(e) authorizes the adoption of rules and regulations by ordinance or resolution on temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing; and

**WHEREAS**, on March 12, 2020, the City Council (“City Council”) of the City of Redwood City (“City”) adopted a resolution Proclaiming the Existence of a Local Emergency Caused by the Novel Coronavirus (“Covid-19”); and

**WHEREAS**, on March 16, 2020, as a result of the widespread community transmission of Covid-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superseded by Order No. c19-5b (March 31, 2020), Order No. c19-5c (April 29, 2020), Order No. c19-5d (May 15, 2020), Order No. c19-5e (May 28, 2020), and Order No. c19-5f (June 4, 2020) and all referenced appendices; and

**WHEREAS**, on June 17, 2020, the Health Officer issued Order No. c19-11 that allows outdoor dining under revised conditions as described in Appendix C-1, and among other things, rescinds the June 4, 2020 Health Officer Order (No. c19-5f and all appendices thereto) that directed all individuals to shelter in place (the “County Health Requirements”). The County Health Requirements went into effect immediately; and

**WHEREAS**, Appendix C-1 of County Order No. c19-11 allows “outdoor dining”, subject to certain restrictions and provides that outdoor dining provides access to freshly prepared meals at a relatively low risk of transmission; because food service will be limited to outdoor areas, the overall volume of increased activity will be modest; interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities; and risks associated with these operations can be substantially mitigated with conditions to ensure adequate social distancing, the use of masks when not dining and limiting contact between households; and

**WHEREAS**, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all of California to stay at home, unless in the category of essential services; and

**WHEREAS**, on May 4, 2020, Governor Newsom issued Executive Order N-60-20 directing the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

**WHEREAS**, on December 3, 2020, the Acting State Public Health Officer issued a Regional Stay at Home Order, effective December 5, 2020, which provided that when the adult intensive care unit (ICU) bed capacity of specified regions fell below 15%, certain public health requirements would be triggered, including a general ban on gatherings with members of other households, and a prohibition on the sale of food, beverages, and alcohol for in-store consumption; and

**WHEREAS**, on December 16, 2020, the California Department of Public Health announced that based on COVID-19 statistics, including data on ICU capacity, the Bay Area would become subject to the Regional Stay at Home Order on Thursday, December 17, 2020, at 11:59 p.m., until at least January 8, 2021; and

**WHEREAS**, COVID-19 continues to spread and the Delta variant (a highly infectious COVID-19 strain) has emerged, resulting in ten times the number of confirmed COVID-19 cases throughout San Mateo County since June 2021; and

**WHEREAS**, on August 2, 2021, in response to the Delta variant, the San Mateo County Health Department issued Order C19-12, which requires all individuals to wear face coverings when indoors in workplaces and public settings; and

**WHEREAS**, the City has a critical governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its residents and businesses; and

**WHEREAS**, in order to protect the health and safety of the City, while fostering economic well-being of the City's citizens and businesses, the City wishes to assist businesses in remaining open, or re-opening, when lawfully permitted to do so; and

**WHEREAS**, when the Regional Stay at Home Order is no longer in effect for the Bay Area, it will be up to local jurisdictions such as the City to facilitate outdoor dining in accordance with the County Health Requirements, which impose a variety of space intensive requirements on restaurants and other food facilities seeking to provide outdoor dining services; and

**WHEREAS**, it is planned that tables and chairs are to be located in the public right of way, and the temporary closure of certain streets, as more particularly shown in Exhibit A, attached hereto and incorporated by reference, is clearly necessary for the safety and protection of persons using said streets; and

**WHEREAS**, to date, approximately forty restaurants have participated in the Temporary Outdoor Dining Program, thirty-eight of which are located in the Downtown; and

**WHEREAS**, recent surveys of program participants showed that Downtown restaurants felt the temporary outdoor program was very helpful and they would like to see the program further extended to provide predictability and cost effectiveness for businesses to purchase equipment and make significant investments in improvements in temporary dining areas located in parking spaces within the right of way; and

**WHEREAS**, on June 22, 2020, the City Council ratified a June 15, 2020 proclamation by the City Manager acting as the Director of Emergency Services allowing for outdoor dining on public and private property, and separately allowed the closure of certain Downtown Streets to allow for outdoor dining from June 22, 2020 to September 30, 2020; and

**WHEREAS**, on September 14, 2020, the City Council ratified a September 1, 2020 proclamation by the City Manager acting as the Director of Emergency Services allowing temporary outdoor business activity, and separately authorized the extension of the temporary closure of certain Downtown Streets to allow for outdoor business activity from September 30 to January 31, 2021; and

**WHEREAS**, on January 11, 2021, the City Council passed Resolution 15930 extending the street closures and making public rights of and City-owned property available for outdoor dining services through December 31, 2021; and

**WHEREAS**, the City Council desires to extend street closures and make public rights of way and City-owned property available for outdoor dining services through July 5, 2022.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The above recitals are accurate, constitute findings in this matter, and are hereby incorporated into this reference.

**SECTION 2.** CEQA. This activity is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines Section 15378, because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment. Similarly, the proposed activity falls within the scope of CEQA Guidelines Section 15061(b) (3), in that it can be seen with certainty that there is no possibility that the activity in question, namely street closures to facilitate outdoor business activity, will have a significant effect on the environment. Separately and independently, even if the activity constituted a project under CEQA, it would be exempt as set forth in CEQA Guidelines Section 15304, because the use of existing streets, sidewalks and private property for outdoor business activity constitutes a minor temporary use of land having negligible or no permanent effects on the environment.

**SECTION 3.** The City Manager is hereby authorized to temporarily close the City streets identified in the outdoor dining map attached as Exhibit "A", for seven (7) days a week, or for shorter periods of time as determined by the City Manager, until July 5, 2022. The City Manager is further authorized to reopen the streets identified in Exhibit A at an earlier date.

**SECTION 4.** The City Manager is further authorized to make adjustments in the temporary closure of City streets identified in Exhibit "A" and the reopening of said streets, and take other implementing actions in order to comply with State requirements, and with the County Health Requirements, as amended from time to time.

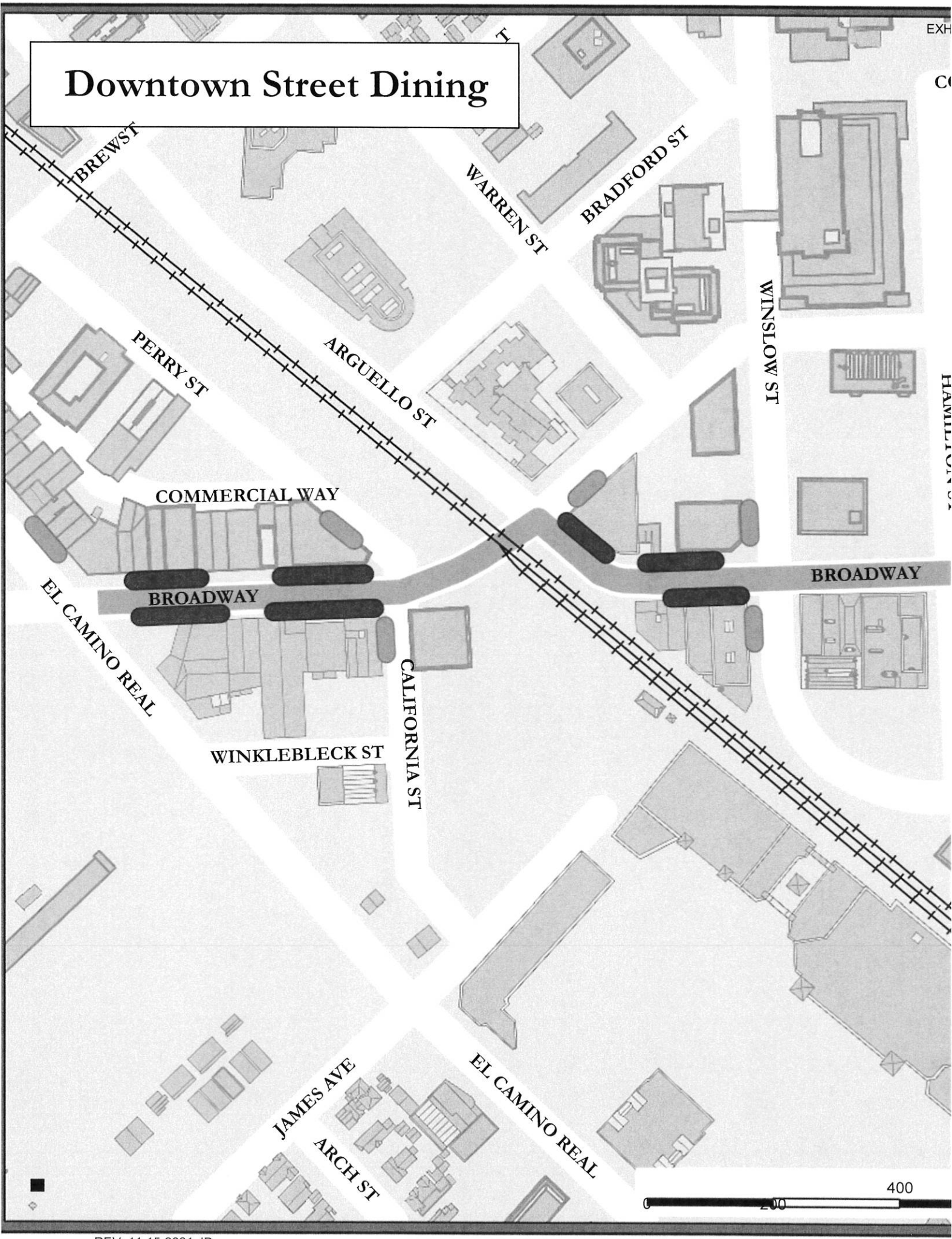
**SECTION 5.** This resolution shall expire when repealed or upon a declared termination of the state of emergency regarding Covid-19 by the City Council.

**SECTION 6.** This resolution shall be effective upon the date of its adoption.

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# **EXHIBIT “A”**

# Downtown Street Dining



Passed and adopted by the Council of the City of Redwood City at a  
Joint City Council/Successor Agency Board/Public Financing Authority Meeting  
thereof held on the 22<sup>nd</sup> day of November 2021 by the following votes:

AYES:	Aguirre, Espinoza-Garnica, Gee, Hale, Reddy, Smith and Mayor Howard
NOES:	None
ABSENT:	None
ABSTAINED:	None
RECUSED:	None



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Diane Howard  
Mayor of the City of Redwood City

Attest:



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Pamela Aguilar, CMC  
City Clerk of Redwood City

I hereby approve the foregoing  
resolution this 23<sup>rd</sup> day of November 2021.



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Diane Howard  
Mayor of the City of Redwood City

RESO. # 16006  
MUFF # 205/701