

RESOLUTION NO.16064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING THE EXTENSION OF THE TEMPORARY CLOSURE OF CITY STREETS FOR 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 This mandate to shelter in place was extended and superseded by Order No. c19-5b (March 31, 2020), Order No. c19-5c (April 29, 2020), Order No. c19-5d (May 15, 2020), Order No. c19-5e (May 28, 2020), and Order No. c19-5f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 allowed “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 November 26, 2021, the World Health Organization (WHO), classified the Omicron variant as a Variant of Concern, and on December 3, 2021, the California Department of Public Health issued a Health Alert in response to the Omicron variant, which emphasized the importance of receiving vaccines and boosters to prevent serious illness from COVID-19 and continues to recommend masking indoors; and

WHEREAS, San Mateo County has recently witnessed an increase in COVID-19 transmission rates along with increases in test positivity cases, with the Centers for Disease Control (CDC) identifying San Mateo County as “medium” community levels, with an average of 276 new cases per day as of May 5, 2022; and

WHEREAS, the Bay Area continues to see increased COVID-19 case transmission, test positivity and hospitalization and the Bay Area Health Officers jointly stressed the importance of social distancing measures, reiterating continued, strong support for people to mask up indoors, keep tests handy and ensure individuals are up to date on vaccinations by getting vaccinations when eligible; and

WHEREAS, as of June 22, 2022, San Mateo County is categorized in “medium” category for COVID-19 community levels within the Centers for Disease Control (CDC) rubric based on the higher of new admissions and inpatient beds metrics in the past 7 days and as of May 19, 2022, the County reported that the daily rate was 50 cases per 100K during the last seven days, which is an average of 386 new cases per day, test positivity rates are 7.7% countywide and the testing level report by the State (incorporating a 7-day lag) was 679 tests per 100k in the population and remains among the highest in the State; 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, 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, recent surveys of program participants showed that Downtown businesses and the community wished to continue the temporary street closure along the 2000 block of Broadway to enjoy the additional pedestrian space and outdoor environment; 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

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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, on November 22, 2021, the City Council passed Resolution 16006 extending the street closures and making public rights of and City-owned property available for outdoor dining services through July 5, 2022; and

WHEREAS, the City Council desires to extend temporary street closures through the later of June 30, 2023, or until the Emergency Proclamation is lifted.

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 temporary street closure map attached as Exhibit "A", for seven (7) days a week, or for shorter periods of time as determined by the City Manager,

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through the later of June 30, 2023, or until the Emergency Proclamation is lifted. 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 on the later of June 30, 2023, 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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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 27th day of June 2022 by the following votes:

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



Giselle Hale
Mayor of the City of Redwood City

Attest:



Pamela Aguilar, CMC
City Clerk of Redwood City

I hereby approve the foregoing resolution this
29th day of June 2022.



Giselle Hale
Mayor of the City of Redwood City

EXHIBIT "A"

