

PROCLAMATION NO. P2022-002

PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NAPA, STATE OF CALIFORNIA, EXTENDING THE DURATION OF THE TEMPORARY OUTDOOR COMMERCIAL ACTIVITY PERMIT PROGRAM AND THE TEMPORARY CLOSURE OF CITY PROPERTY PROGRAM IN RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE CORONAVIRUS PANDEMIC (COVID-19)

WHEREAS, on March 15, 2020, the City Manager (acting as the Director of Emergency Services) issued Proclamation No. P2020-001 to proclaim the existence of a “local emergency based on the existence of conditions related to the novel coronavirus known as “SARSCoV-2,” named “coronavirus disease 2019” and abbreviated “COVID-19”; and

WHEREAS, the City Council has subsequently reviewed and ratified the actions taken by the City Manager related to the local emergency described in P2020-001 during multiple public meetings of the City Council, notably including March 16, 2020 (R2020-037), March 31, 2020 (R2020-039), April 21, 2020 (R2020-055), the regular meeting of February 1, 2022, and the planned recommended ratification of this proclamation on February 15, 2022; and

WHEREAS, on June 16, 2020, the City Manager issued Proclamation No. P2020-002, and on July 21, 2020 the City Manager issued Proclamation No. P2020-003, each of which was ratified by City Council, regarding the establishment of a Temporary Outdoor Commercial Activity Permit Program for the issuance of permits to allow businesses to temporarily open and operate outdoor activities on a larger footprint, including the use of private property and public property; and

WHEREAS, on August 11, 2020, the City Manager issued and the City Council ratified Proclamation P2020-005 to establish a Temporary Closure of City Property Program, which authorized the issuance of administrative directives to temporarily close City property (including streets, sidewalks, other rights of way, or other property in which the City has a right of ownership or use) for the duration of any health order issued by the State of California or Napa County that requires public health precautions in response to COVID-19; and

WHEREAS, on April 30, 2021, the City Manager issued Proclamation P2021-001, which was ratified by the City Council on May 4, 2021, and which established the which extended the duration of the Temporary Outdoor

Commercial Activity Permit Program and the Temporary Closure of City Property Program through February 28, 2022; and

WHEREAS, the City Council received an update on the parklet program on November 16, 2021 and provided staff with direction on desired updates to the permanent Outdoor Commercial Uses and Parklet Program to include updates to City ordinances, design standards, maintenance requirements and the like, and expressed a desire to see the uses continue past the current expiration date of February 28, 2022; and

WHEREAS, following the City Council meeting on November 16, 2021, and through December 2021 and January 2022, the Omicron Variant of COVID-19 caused the number of cases locally and throughout the County to surge with more than 1,000 positive tests a cases each week during the last three weeks of January 2022, with almost 2,000 positive cases in the week ending January 27, 2022, and resulting in a stress on the local healthcare system and leading the City Manager to take steps necessary to protect the City of Napa workforce, including shifting to virtual public meetings for certain boards and commissions including meetings of the City Council, directing work from home for staff as applicable, and the closure of public lobbies due to staffing constraints; and

WHEREAS, staff have been diligently working on the required updates to the City's permanent Outdoor Commercial Uses and Parklet program but will require additional time beyond the permit expiration date for existing uses of February 28, 2022; and

WHEREAS, the City Manager has determined that it is in the best interest of the City to continue to facilitate the existing outdoor uses on sidewalks, in public plazas/parks, on public streets and parking lots, and on private property to allow restaurants and other businesses to open and operate on a larger outdoor footprint through August 31, 2022; and

WHEREAS, the City has previously authorized the installation of temporary tent coverings as a part of the "Temporary Outdoor Commercial Activity Permit," however the City has determined that those tent coverings are no longer authorized because the original justification for permitting enclosures was in response to restaurants and other businesses restricted from providing indoor service; however fully occupied indoor service has been permitted for some time, and there does not appear to be any future State or County Health Department restrictions or limitations on occupancy of indoor spaces; and

WHEREAS, there are long-term fire safety concerns with heating the covered/enclosed spaces under the temporary tent coverings and the City Council does not envision permitting tents or roof-like covers as a standard for outdoor dining.

NOW, THEREFORE, BE IT PROCLAIMED by the City Manager of the City of Napa, in the capacity of the Director of Emergency Services of the City of Napa, as follows:

1. The City Manager hereby extends the duration of the Temporary Outdoor Commercial Activity Permit Program and the Temporary Closure of City Property Program, as defined in the recitals to this proclamation, until August 31, 2022.

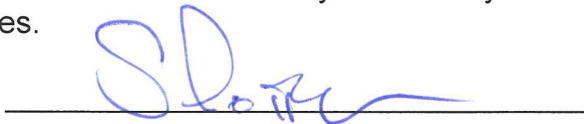
2. The City Manager hereby determines that, effective April 1, 2022, tent coverings are no longer authorized as a part of the Temporary Commercial Activity Permit Program. The City Manager hereby authorizes and directs the Community Development Director to provide written notice to permittees of this change no later than February 28, 2022 and requiring each permittee that has previously installed a tent as a part of a City-approved permit to remove the tent by March 31, 2022.

3. This proclamation shall expire if not confirmed and ratified by the City Council within 21 days of the proclamation.

4. The City Manager hereby finds that the facts set forth in the recitals to this proclamation are true and correct and establish the factual basis for this proclamation.

5. This Proclamation shall take effect immediately upon its execution.

This proclamation is hereby issued by the City Manager, Director of Emergency Services.



Name: Steve Potter
Title: City Manager
Director of Emergency Services
Date: February 9, 2022