

DRAFT 6/12/2020 AA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE RATIFYING THE CITY MANAGER/
DIRECTOR OF EMERGENCY SERVICES' ORDER
REGARDING TEMPORARY OUTDOOR DINING AREAS
ON PRIVATE PROPERTY IN THE CITY OF SUNNYVALE**

WHEREAS, on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City Council unanimously ratified and confirmed that proclamation of local emergency on March 17, 2020 by adopting Resolution No. 979-20; and

WHEREAS, the City Council reviewed and unanimously extended the proclamation of local emergency on April 17, 2020 and May 26, 2020 by adopting Resolution Nos. 981-20 and 994-20; and

WHEREAS, on March 16, 2020, the Santa Clara County Department of Public Health declared a “shelter-in-place” order, ordering among other things, the closure of restaurants in Santa Clara County, including restaurants in Sunnyvale, with the exception of take-out service; and

WHEREAS, in its June 5, 2020 order, the Santa Clara County Department of Public Health revised its previously issued orders providing restaurants in the County may serve dine-in patrons outdoors; and

WHEREAS, the City Manager/Director of Emergency Services issued a local emergency order on June 10, 2020 suspending any provision of the Sunnyvale Municipal Code (“SMC”) relating to outdoor dining on private property, including but not limited to SMC Chapter 19.61 relating to additional permit requirements for outdoor dining, SMC Chapter 19.46.110 relating to parking requirements for restaurants with outdoor seating, and SMC Chapter 9.66.010 relating to consumption of alcohol from private property viewable from the public right of way; and

WHEREAS, the City Manager/Director of Emergency Services' June 10, 2020 local emergency order authorized the Community Development Director or designee to develop an operational self-certification form for restaurants to effectuate the program pursuant to the emergency order; and

WHEREAS, pursuant to SMC Section 2.16.040(a)(6)(A), any rules or regulations issued by the Director of Emergency Services during a state of local emergency must be confirmed at the earliest practicable time by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City of Sunnyvale hereby confirms the June 10, 2020 Local Emergency Order by the City of Sunnyvale City Manager/Director of Emergency Services Regarding Temporary Outdoor Dining Areas on Private Property in the City of Sunnyvale.
2. The Local Emergency Order may be in effect until subsequent order by the City Manager/Director of Emergency Services, or by ordinance or resolution of the City Council, or until the City Manager/Director of Emergency Services or the City Council declare the local emergency has ended, whichever is sooner.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney