

RESOLUTION NO. 1075-21**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DIRECTING THE CITY MANAGER TO EXTEND TEMPORARY OUTDOOR DINING AREAS ON PRIVATE PROPERTY AND THE CLOSURE OF THE 100 BLOCK OF SOUTH MURPHY AVENUE UNTIL DECEMBER 31, 2021**

WHEREAS, on March 12, 2020, pursuant to Chapter 2.16 of the Sunnyvale Municipal Code (“SMC”), the City Manager as the Director of Emergency Services declared the existence of a local emergency and the City Council ratified the same on March 17, 2020, by adopting Resolution No. 979-20 and extended the Director of Emergency Services’ proclamation approximately every 60 days in accordance with Government Code section 8630 (Emergency Services Act); and

WHEREAS, on July 13, 2021, the City Council again extended the Director of Emergency Services’ declaration of a local emergency in Resolution No. 1069-21; and

WHEREAS, in the case of restaurants, indoor dining has had a direct effect on the safety of restaurant employees and members of the public, while outdoor dining programs have allowed business activities in outdoor areas and provided critical assistance to allow businesses to reopen, remain open, and expand outdoor operations to help facilitate economic recovery during the local emergency; and

WHEREAS, on June 10, 2020, the Director of Emergency Services also adopted a Local Emergency Order and Regulations for Temporary Outdoor Dining on Private Property that suspended provisions in the Sunnyvale Municipal Code including but not limited to SMC Chapters 19.61, which provides additional permit requirements for outdoor dining, including but not limited to the provisions relating to miscellaneous plan permits; SMC Chapter 19.46.110, which provides regulations related to parking requirements for restaurants with outdoor seating; and SMC Chapter 9.66.010 which relates to consumption of alcohol from private property viewable from the public right of way; and

WHEREAS, on June 1, 2020, City staff issued Special Events Permit No. 2020-06-01 to allow the closure of the 100 block of South Murphy Avenue in accordance with SMC Chapter 9.45 and Vehicle Code section 21101(e), that allowed restaurants to expand their outdoor dining footprint into the right-of-way with the issuance of a Miscellaneous Plan Permit issued by the Planning Division; and

WHEREAS, on June 23, 2021, staff temporarily extended the Special Events Permit to allow the closure of the 100 block of South Murphy Avenue until July 31, 2021, or until otherwise extended by the City Council; and

WHEREAS, many Sunnyvale restaurants have participated in both the self-certification

program to allow temporary outdoor dining on private property as well as the expanded outdoor dining program on the 100 block of South Murphy Avenue; and

WHEREAS, the State Department of Alcoholic Beverage Control (“ABC”) has extended its Notices of Regulatory Relief providing modifications to several provisions of state law and regulations relating to outdoor service of alcoholic beverages in California until December 31, 2021; and

WHEREAS, the State retired the Blueprint for a Safer Economy on June 15, 2021, as the COVID-19 hospitalization rates remain low and vaccination supply readily available, which resulted in a return to full capacity limits, removal of physical distancing requirements and looser mask mandates, however the State’s Emergency Order will remain in place to allow ongoing programs and economic recovery efforts to continue uninterrupted.

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

1. The City Council hereby directs the City Manager to extend temporary outdoor dining areas on private property and authorizes the regulations in the Local Emergency Order dated June 10, 2020, to remain in full force and effect until December 31, 2021.
2. The City Council hereby directs the City Manager to extend the closure of Murphy Avenue until December 31, 2021, through the issuance of a Special Events Permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code section 21101(e).
3. This Resolution shall take effect immediately upon adoption.

Adopted by the City Council at a regular meeting held on July 27, 2021, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, FONG, CISNEROS, DIN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
RECUSAL: NONE

ATTEST:

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DAVID CARNAHAN
City Clerk
(SEAL)

APPROVED:

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LARRY KLEIN
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL
City Attorney