

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DIRECTING THE CITY MANAGER TO EXTEND THE CLOSURE OF THE 100 BLOCK OF SOUTH MURPHY AVENUE UNTIL DECEMBER 31, 2023

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, on October 26, 2021, the City Council again extended the Director of Emergency Services’ declaration of a local emergency in Resolution No. 1088-21; and

WHEREAS, in the case of restaurants during the local emergency, indoor dining had a direct effect on the safety of restaurant employees and members of the public, while outdoor dining programs 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, when the State retired the Blueprint for a Safer Economy on June 15, 2021, Governor Newsom encouraged cities to continue with outdoor dining programs through the end of the State’s Emergency Order; 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, on July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to temporarily allow outdoor dining on private property and close the 100 Block of South Murphy Avenue until December 31, 2021; and

WHEREAS, on December 7, 2021, the City Council amended Resolution No. 1075-21 directing the City Manager to allow outdoor dining on private property and temporarily close the 100 Block of South Murphy Avenue until September 30, 2022; and

WHEREAS, on August 9, 2022, the City Council amended Resolution No. 1075-21 directing the City Manager to allow outdoor dining on private property and temporarily close the 100 Block of South Murphy Avenue through the earlier of either June 30, 2023, or until the City's emergency proclamation is lifted; and

WHEREAS, new variants of COVID-19 continue to arise quickly, and the consequences they pose to the public health are unknown; and

WHEREAS, there is a continued demand for outdoor dining activity on the 100 Block of South Murphy Avenue, as people have expressed that they feel more comfortable eating outdoors as various strains of COVID-19 continue to circulate within the community; 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, many businesses have requested that the City's outdoor dining program on the 100 Block of Murphy Avenue be made permanent and the City Council intends to adopt a Resolution of Intent to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue; and

WHEREAS, the process to complete the permanent closure of the 100 Block of South Murphy Avenue likely may not be completed until December 31, 2023, under the Pedestrian Mall Act of 1960.

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 the closure of Murphy Avenue until December 31, 2023, through the issuance of a Special Events Permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code section 21101(e).
2. This Resolution shall take effect immediately upon adoption.

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