

**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 SEPTEMBER 30, 2022**

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 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, 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 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 close the 100 block of South Murphy Avenue until December 31, 2021; and

WHEREAS, many Sunnyvale restaurants have participated in 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

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regulations relating to outdoor service of alcoholic beverages in California until December 31, 2021; and

WHEREAS, on October 8, 2021, Governor Newsom signed SB 314, which allows current licensees with expanded outdoor dining premises under ABC’s emergency relief order to expand outdoor restaurant/bar seating with alcohol services on streets, parking lots, alleys, or sidewalks; and

WHEREAS, many businesses have requested that the City’s outdoor dining program be extended into 2022, and staff and businesses see a continued demand for outdoor dining activity as people have expressed that they feel more comfortable outdoors.

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 September 30, 2022, 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:

\_\_\_\_\_  
 DAVID CARNAHAN  
 City Clerk  
 Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
 LARRY KLEIN  
 Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
 JOHN A. NAGEL  
 City Attorney