

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE DIRECTING THE CITY MANAGER TO EXTEND
TEMPORARY OUTDOOR DINING AREAS ON PRIVATE
PROPERTY**

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 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, 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 July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to temporarily allow outdoor dining on private parking lots until December 31, 2021; and

WHEREAS, many Sunnyvale restaurants have participated in the self-certification program to allow temporary outdoor dining on private property; 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, 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.

DRAFT 12/7/21 AMA

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 September 30, 2022.
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
 (SEAL)

 LARRY KLEIN
 Mayor

APPROVED AS TO FORM:

 JOHN A. NAGEL
 City Attorney