

DRAFT 9/3/2020 AA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE RATIFYING THE CITY MANAGER/
DIRECTOR OF EMERGENCY SERVICES' ORDER
ALLOWING TEMPORARY OUTDOOR BUSINESS
ACTIVITIES ON PUBLIC AND PRIVATE PROPERTY IN
THE CITY OF SUNNYVALE BECAUSE OF THE NOVEL
CORONAVIRUS (COVID-19)**

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, May 26, 2020, July 14, 2020 and August 25, 2020 by adopting Resolution Nos. 981-20, 994-20, 1010-20, and 1016-20; and

WHEREAS, on July 29, 2020, the California Department of Public Health provided guidelines by which personal care services may reopen outdoors; and

WHEREAS, Sunnyvale businesses have sought solutions from the City to expand operations outdoors in order to increase capacity and protect the health and safety of customers and employees; and

WHEREAS, the City Manager/Director of Emergency Services issued a local emergency order on September 2, 2020 suspending any provision of the Sunnyvale Municipal Code ("SMC") prohibiting or impairing temporary outdoor operations of certain business activities, including but not limited to SMC Chapters 13.08 and 19.61, and Sections 19.46.110 and 9.41.140(a)(1), for the purpose of allowing hair salons, barbershops, nail salons, massage establishments, general retail (except the sale of food), and fitness centers providing group fitness classes an outdoor space on private and public property to serve customers outside; and

WHEREAS, the City Manager/Director of Emergency Services' September 2, 2020 local emergency order authorized the Community Development Director or designee and Public Works Director or designee to develop operational guidelines in order to effectuate the programs on private and public property respectively; 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 September 2, 2020 Local Emergency Order by the City of Sunnyvale City Manager/Director of Emergency Services Regarding Temporary Outdoor Business Activities on Public and 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 of the City of Sunnyvale 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