

1 **RESOLUTION NO. 2021-23**

2 **A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING**
3 **PRESCRIPTIVE CRITERIA FOR REVOCAION PROCEDURES**
4 **FOR OUTDOOR DINING DURING THE ALAMEDA COUNTY**
5 **PUBLIC HEALTH COVID-19 EMERGENCY**

6 **WHEREAS**, the City of Albany has an encroachment permit process to allow for outdoor
7 dining on public right of way; and

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9 **WHEREAS**, the City Council adopted Resolution No. 2020-73 on July 6, 2020 authorizing
10 a fee waiver for outdoor dining encroachment permits during the Alameda County Public Health
11 COVID-19 Shelter-in-Place Order and allowing staff discretionary authority; and

12 **WHEREAS**, City Council adopted Resolution No. 2020-129 on December 21, 2020,
13 authorizing staff review of encroachment permits for semi-permanent outdoor dining structures on
14 Solano Avenue during the Alameda County Public Health COVID-19 Shelter in Place Order; and

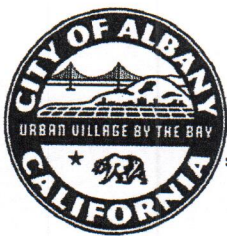
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16 **WHEREAS**, outdoor dining was permitted to resume effective January 26, 2021; and

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18 **WHEREAS**, the City Council considered all public comments received, the presentation by
19 City staff, the staff report, and all other pertinent information.

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21 **NOW THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby
22 establishes that a violation of issued Conditions of Approval shall result in revocation. If a permit
23 holder fails to comply, a 30-day revocation notice will be issued, and any appeal of the revocation
24 will be reviewed by City Council within the 30-day time frame. During the revocation period,
25 unused materials shall be removed and on-street parking shall be restored. This shall apply to in-
26 street outdoor dining installations during the Alameda County Public Health COVID-19 Shelter
27 in Place Order.

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GE'NELL GARY, MAYOR



City of Albany

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF
ALBANY, The 1st day of March, 2021, by the following votes:

AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 2nd
day of March, 2021.

Anne Hsu
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.