

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING THE DOWNTOWN (P-19) PRECISE PLAN TO ADD AN OUTDOOR ACTIVITIES SECTION
AUTHORIZING OUTDOOR DINING AND MERCHANDISE DISPLAYS ON PRIVATE PROPERTY,
REPEAL AND REPLACE SIDEWALK CAFÉ REFERENCES WITH OUTDOOR ACTIVITIES,
AND MAKE OTHER MINOR AMENDMENTS

WHEREAS, on March 28, 2000, the City Council adopted Mountain View Ordinance No. 6.00 to create the Sidewalk Café Program, which allows for sidewalk cafés to be located in the downtown area (Sidewalk Café Ordinance); and

WHEREAS, the Downtown Precise Plan included reference to the Sidewalk Café Program; and

WHEREAS, on June 9, 2020, the City Council adopted Mountain View Resolution No. 18470 in response to the COVID-19 pandemic to temporarily close Castro Street to vehicular traffic between West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, West Dana Street and California Street, and California Street and Mercy Street (“Castro Street Closure”) to facilitate a temporary outdoor dining program (“Castro StrEATs”); and

WHEREAS, the City Council amended Resolution No. 18470 multiple times since its adoption to, among other things, extend the effective date of the Castro Street closure; remove the segment of Castro Street between California Street and Mercy Street from the Castro Street closure; and authorize the Public Works Director and Community Development Director to modify the Castro StrEATs outdoor dining program to preserve the public health, safety, or general welfare, notwithstanding any City of Mountain View requirements or regulations that conflict with these requirements; and

WHEREAS, on April 13, 2021, the City Council adopted Resolution No. 18546 to temporarily suspend Sidewalk Café Program license renewal requirements, as outlined in Mountain View City Code Section 36.42, *et seq.*, subject to compliance with the Castro StrEATs outdoor dining program requirements, and waived Sidewalk Café License renewal fee payments, payable May 1, 2020 through April 30, 2022, to facilitate a consistent outdoor dining program in the downtown area; and

WHEREAS, the City Council has amended Resolution No. 18546 three times since its adoption to clarify and extend suspension of the Sidewalk Café Program requirements through January 3, 2024 and waive the Sidewalk Café license renewal fees payable through April 30, 2024; and

WHEREAS, on October 25, 2022, the City Council adopted Mountain View Ordinance No. 14.22 to establish Pedestrian Malls on Castro Street between the east leg of West Evelyn Avenue and Villa Street, Villa Street and West Dana Street, and West Dana Street and California Street (collectively “Pedestrian Malls”), which took effect on November 24, 2022, and resulted in the permanent closure of these street segments to vehicular traffic, pursuant to the California Streets and Highways Code Section 11000, *et seq.*, the Pedestrian Mall Law of 1960; and

WHEREAS, on November 1, 2022, the City Council adopted Resolution No. 18726 that, amongst other things, allowed outdoor dining to operate in the Pedestrian Malls pursuant to the Castro StrEATs program requirements; and

WHEREAS, a majority of the existing sidewalk cafés are located within the established Pedestrian Malls, resulting in a need to revise the Sidewalk Café Program in order to continue to provide a consistent outdoor program throughout downtown, which includes the newly established Pedestrian Malls; and

WHEREAS, the current Sidewalk Café Program applies to the commercial districts in the Downtown Precise Plan and includes private property and public right-of-way from face of building to the edge of the step curb of the sidewalk, and along Castro Street, extends to the edge of the paved area adjacent to the street; and

WHEREAS, concurrent with this Resolution, the City Council will consider adoption of two ordinances to repeal Article III of Chapter 15, Merchant Vendors in the Downtown Area; repeal Article XV of Chapter 36, Sidewalk Café in the Downtown Area; make other minor amendments to Chapter 36 for consistency; amend Section 36.44.65 of Chapter 36 related to Development Review Procedures to clarify the permit procedure for outdoor dining and merchandise displays on private property; replace the Sidewalk Café Program with a new outdoor patio program for outdoor patio operation on public right-of-way included in Chapter 27 of the City Code (“Outdoor Patio Program”); and make other amendments to Chapters 25, 26, 27, and 36 of the City Code for consistency; and

WHEREAS, concurrent with this Resolution, the City Council will consider adoption of a resolution to adopt Downtown Mountain View Outdoor Patio Standards/Guidelines that will regulate outdoor patios in the public right-of-way, including design elements for the Pedestrian Malls to achieve a more pedestrian-friendly plaza area, and the public sidewalk, to protect outdoor patio areas from ongoing pedestrian traffic; and

WHEREAS, amendment to the Downtown Precise Plan would continue to authorize outdoor dining and merchandise displays on private property in the Downtown Precise Plan area pursuant to a Development Review Permit and in conformance with the design guidelines of the Downtown Mountain View Outdoor Patio Standards/Guidelines, and make other minor amendments to update references to City Code sections in Chapter 36; and

WHEREAS, procedures set forth in Chapter 36 Article XVI, Division 11 of the Mountain View City Code, whereby the City can amend a Precise Plan, have been executed; and

WHEREAS, Chapter 36 of the City Code requires the City's Environmental Planning Commission and City Council each hold a duly noticed public hearing before a Precise Plan is amended; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on April 19, 2023 and recommended the City Council approve the Precise Plan Amendment; and

WHEREAS, the City Council held a public hearing on _____ and received and considered all evidence presented at said hearing regarding the Downtown Precise Plan Amendments, including the recommendation from the Environmental Planning Commission, City Council report, project materials, testimony, and written materials submitted; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby makes the findings for amendment of a Precise Plan, pursuant to Section 36.50.95 of the City Code:

a. The Precise Plan Amendments are consistent with the General Plan because the proposed amendments do not change the mix of uses allowed in the Precise Plan and supports General Plan Policy *LUD7.1: Downtown* as the changes continue to promote outdoor activities that make downtown a daytime and nighttime center for social, entertainment, cultural, business, and government activity;

b. The property covered by the proposed Precise Plan Amendments are within the Planned Community (P) District, and the amendments do not alter the location of where permitted activities can occur on private property while adding consistency for outdoor dining throughout the downtown area with the new Downtown Mountain View Outdoor Patio Standards/Guidelines;

c. The Precise Plan Amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the outdoor activities are already permitted and the additional design guidelines will improve the appearance of outdoor patio areas and improve multi-modal access throughout downtown by retaining dedicated space for pedestrians and bicyclists;

d. The Precise Plan Amendments promote the development of desirable character, harmonious with existing and proposed development in the surrounding area, because the modifications promote an active and vibrant downtown area through implementation of the outdoor activities and modified design guidelines;

e. The Precise Plan area has special conditions of size, shape, land ownership, existing development, or development opportunities that can only be addressed by approval of the

Precise Plan Amendments because the sites impacted are in specific locations within the Precise Plan, and the Precise Plan Amendments to allow outdoor activities are to promote an active and vibrant downtown, consistent with the Precise Plan’s goals; and

f. The approval of the proposed Precise Plan Amendments are in compliance with the provisions of the California Environmental Quality Act (CEQA) because they are exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule (“common sense” exemption) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. No physical development is proposed as part of this project, and only consistency with the design guidelines and modifications for procedures for implementing outdoor activities are being proposed, which would not alter existing uses; and be it

FURTHER RESOLVED: that the Downtown Precise Plan Amendments, as more specifically shown in Exhibit A, attached hereto and incorporated herein by reference, are hereby approved and shall be effective on November 1, 2023.

KP/2/RESO
828-04-19-23r

Exhibit: A. Downtown Precise Plan Amendments

DRAFT

**DOWNTOWN PRECISE PLAN
P(19)**

ADOPTED BY THE MOUNTAIN VIEW CITY COUNCIL

JANUARY 12, 1988

RESOLUTION NO. 14753

<u>AMENDED</u>	<u>RESOLUTION NO.</u>	<u>SUMMARY</u>
February 29, 2000	16457	Update use and development standards in Areas A through G.
April 24, 2001	16597	Incorporate sign requirements and design.
May 25, 2004	16887	Update use and development standards in Areas H, I and J; parking, density, historical preservation and administrative standards.
November 10, 2015	18002	Modify ground-floor office use in Area J.
October 2, 2018	18248	Designate cannabis businesses as a land use.
June 11, 2019	18347	Amend cannabis business land uses.
December 6, 2022	18746	Update office use in Area H, and development standards and guidelines in Areas A, G, and H.
May 9, 2023		Add an Outdoor Activities section authorizing outdoor dining and merchandise displays, and repeal and replace sidewalk café references with the allowed outdoor activities.

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Parking Credit for Replacement of Existing Building Area

The Precise Plan has special parking standards when a new building replaces an existing one. In the Parking District, when existing building area is replaced, there is a credit for existing building area that reduces the amount of parking required for the new building (see Parking Regulations Tables II-2 and II-3). This credit will terminate on May 25, 2009 for those areas in the Park District outside of Areas E and H.

4. Number of Parking Spaces Required

The parking ratios that follow in Table II-I apply to new developments and uses, expansions and intensifications of use on all properties within the Downtown Precise Plan area (including the Parking District), except as noted in subsequent sections. Figure 3 shows the boundaries of the Downtown Precise Plan, the downtown parking areas subject to the parking regulations explained in Tables II-2 to II-4.

The parking ratios for downtown uses are lower than the City-wide ratios. This is in recognition of the benefit of shared parking facilities, businesses and homes within walking distance and transit access. The percentage reduction varies by use. In addition, there is no parking requirement for ground-floor retail and personal service uses in Areas E and H since it is a goal of the Downtown Precise Plan to promote economic diversity by encouraging these uses.

Bicycle parking is required pursuant to Section ~~A36.37.040~~ 36.32.85 of the Zoning Ordinance whenever vehicle parking is provided on-site.

TABLE II-1 Parking Spaces Required by Land Use	
Land Use Type	Vehicle Spaces Required
Retail	1 space for each 300 square feet.
Personal Services	1 space for each 300 square feet.
Restaurant	1 space for each 300 square feet.
Offices: Banks and Financial Administrative and Corporate	1 space for each 333 square feet. 1 space for each 333 square feet.
Other Offices	1 space for each 333 square feet.
Medical and Dental	1 space for each 166 square feet.
Residential: Studio & 1 Bedroom 2 Bedroom or more	1.5 spaces per unit plus 0.3 space per unit guest parking. 2 spaces per unit plus 0.3 space per unit guest parking.
Other Uses	90% of existing City standard. (Section A36.37 of Zoning Ordinance).
Mixed-Use Development	The total parking requirements for a mixed-use project may be reduced if it can be demonstrated through a parking study that peak parking demands of the individual uses occur at different times of day, or different days of the week, or in other ways do not occur at the same time or will not be in conflict. Shared parking must be accessible to all uses at all times of day. The parking study should demonstrate that parking will be adequate for all uses. Shared parking between properties would require recorded easements which cannot be modified without the City’s consent. The parking study will be considered during a public hearing as part of the development approval process.
Affordable or Senior Housing	The total parking requirements for senior housing and housing serving very-low and low-income households may be reduced if it can be demonstrated through a parking study that parking demand will be lower than a standard residential project because of unit size or lower rates of auto ownership. The parking study should demonstrate that parking will be adequate for the use. The parking study will be considered during a public hearing as part of the development approval process.
*Uses are defined in the Zoning Ordinance, Section A.36.95 -Chapter 36, Article XVII, Division 2	

1. Chart 1. Sliding Scale for Area B and Hope Street Frontage of Area J*

Minimum Lot Area (Square Feet)	Number of Residential Units	Allowable Density (units/acre)
Less than 7,500	1 (plus companion unit)	6
7,500	2	12
10,000	4	20
11,250	6	24
15,000	11	30 (max. density)
22,500	N/A	30 (max. density)

*Except Hope Street frontage between El Camino Real and Fairmont Avenue, which is up to 50 du/ac.

2. Chart 2. Sliding Scale for Area F

Minimum Lot Area (Square Feet)	Number of Residential Units	Allowable Density (units/acre)
Less than 7,500	1 (plus companion unit)	6
7,500	2	12
10,000	4	20
11,250	7	27
15,000	11	32
22,500	19	38 (40 max. density)

² Companion units are small secondary units (generally 700 to 900 square feet) that can be added to properties with existing single-family homes. The development standards and requirements for companion units are specified in ~~Section A.36.12.040(B)~~ Division 10 of Article IV of the Zoning Code, except as may be specifically amended by this Precise Plan.

the Castro Street storefront vernacular. To maintain a consistent building wall and downtown traffic circulation, access to parking garages on this block shall not be from Castro Street. Preferred access to parking is from Bryant Street.

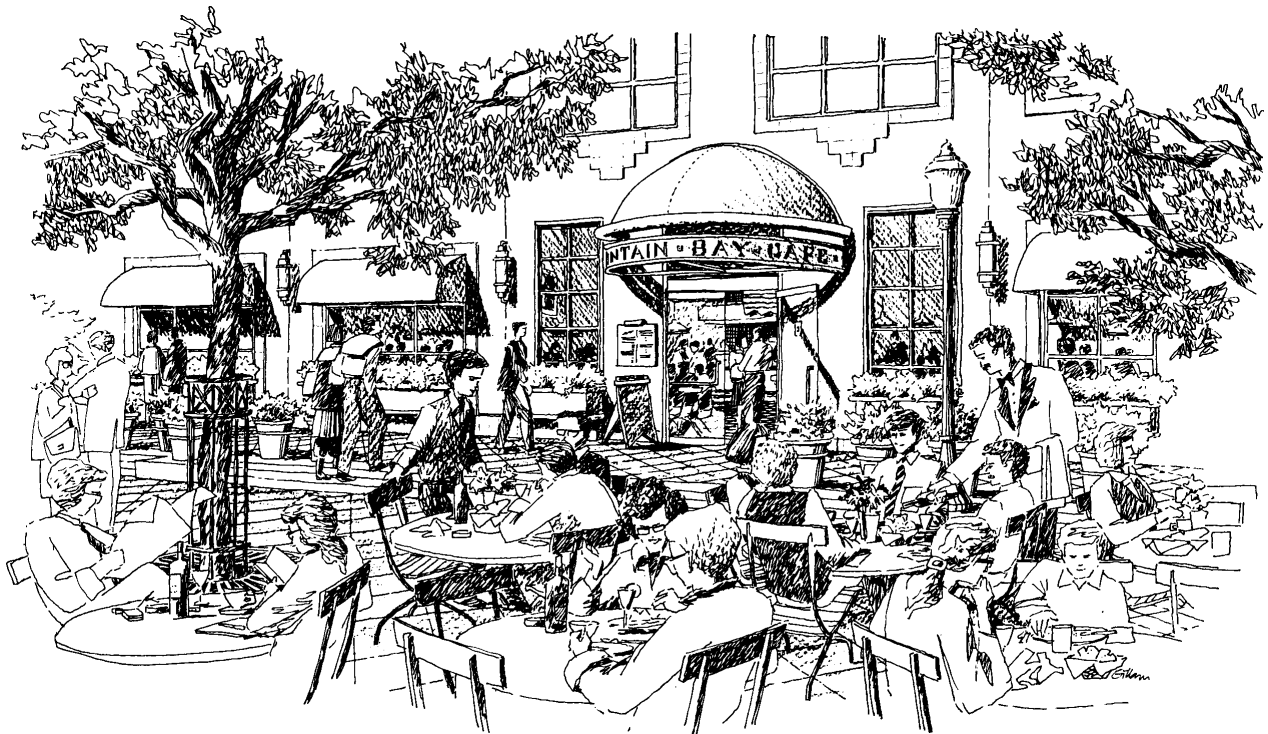
9. Service Access

Trash and loading areas should be well screened from public view and located away from adjacent residential uses.

C. DESIGN GUIDELINES

1. Ground-Level Treatment

Primary pedestrian access to all ground-level uses should be from the street. Commercial development should meet the guidelines for ground-level treatment outlined in the Historic Retail District. Retail businesses and restaurants should be oriented to Castro and California Streets. The finished floor elevation of commercial development should not be greater than 1' above sidewalk level and should incorporate transparent, clear windows and multiple entries. Particular attention should be given to craftsmanship and detailing within the pedestrian's range of touch and view. For instance, the use of special storefront detailing, facade ornamentation, special materials, planters, outdoor seating, flags and banners can reinforce the pedestrian nature of the street.



1988 artist concept of *sidewalk-outdoor* dining on Castro Street.

C. DESIGN GUIDELINES

These are recommendations for the architectural treatment and organization of buildings and open space and are the suggested criteria for reviewing projects during the design review process.

1. Development Massing

Although an integrated development approach is encouraged for the Area E, the massing of development should be designed to reflect the downtown's diverse character and scale through variation in roof line, building plane and materials. To this end, the massing of buildings and the treatment of facades, windows and roofs should conform to the guidelines outlined for the Castro Street Historic Retail District and the Bryant Street Mixed-Use Transition Area.

2. Open Space Treatment

Development should incorporate open space that enhances the visual image, quality and amenity of the development, and that reinforces Castro Street as an active and attractive pedestrian street with arcades, passageways, and ~~sidewalk cafes~~ allowed outdoor activities.

3. Parking Treatment

Parking should be within structures well integrated with the overall development. Below-grade parking is encouraged.

4. Ground-Level Treatment

The ground-level treatment on Castro Street should continue the pedestrian-oriented storefront pattern established for the Castro Street Historic Retail District. On Hope Street, the street level frontage should be visually interesting with frequent unit entrances and have a strong residential character. The primary orientation of development should be to the street and sidewalks. Rooflines along Hope Street should be highly articulated to reflect the predominantly 50' wide parcel size of the single-family homes across the street. Entry porches along the street are encouraged.

Ground-level uses adjacent to the public passageway between Castro Street and the City parking lot should open onto the passageway with attractively framed, clear glass windows and distinctive doorways. Particular attention should also be given to the paving and lighting treatment of the passageway.

2. Building Coverage

In order to create well-defined street spaces consistent with the scale of downtown Mountain View, side yards are discouraged in favor of contiguous building facades along the street. However, narrow mid-block pedestrian passages that encourage through-block pedestrian circulation and/or arcaded spaces that create wider sidewalk areas for cafés, etc. are encouraged.



Fig. H.21: Outdoor patios and an engaging pedestrian experience Downtown.



Fig. H.22: Both small and large-scale new development should preserve the rhythm and fine-grained pedestrian scale of existing buildings within the Historic Retail District by respecting the relatively narrow building increments, which are predominantly 25' to 50'.

3. Ground-Level Corner Uses

High activity-generating uses are especially encouraged at the Castro Street intersections. Entries to elevator lobbies should not be located at intersections.

4. Ground-Level Treatment

The unique community character created by the mixture of building ages and architectural styles and the architectural design influence of historic buildings should be encouraged. All street-frontage establishments should provide primary access directly to the street. Long expanses of inactive building frontage should be avoided by placing street doors at intervals no greater than 50' and by maintaining 60% of the ground-level building facade in transparent window surface. All buildings should incorporate a base in their design.

The visual experience of moving along the street should be enjoyable and interesting. A change in major compositional elements of the street-level facade design is recommended at intervals of 25' to 50'. Colorful awnings overhanging the sidewalk are also recommended to further enhance the life and variety of the street.

Particular attention should be given to craftsmanship and detailing within the pedestrian's range of touch and view. For instance, the use of special storefront detailing and facade

V. OUTDOOR ACTIVITIES

In addition to the land uses permitted in this Precise Plan, the following outdoor activities are permitted with a Development Review Permit on private property adjacent to commercial or mixed-use uses pursuant to Chapter 36, Article XVI, Division 2 and all other applicable City regulations:

1. Outdoor Dining

Outdoor dining shall mean an outdoor area set up and maintained on private property for the purpose of selling, offering for sale and serving food or beverages for immediate consumption on-site by an adjoining restaurant or other business which sells, offers for sale and serves food and/or beverages for immediate consumption.

2. Merchandise Display

Merchandise display shall mean a display for sale or offer for sale merchandise, goods, or wares on private property outside of an adjoining business which sells or offers for sale, goods and/or services.

Design Guidelines

All outdoor activities must comply with the design guidelines as set forth in the Downtown Mountain View Outdoor Patio Standard/Guidelines, which is a separate document.

VI. ADMINISTRATION

Administration of this Precise Plan shall be in accordance with Mountain View City Code, Article ~~A36.50~~, **XVI, Division 1**, Authority for Land Use and Zoning Decisions.



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1988 artist view of Mountain View Civic Center.