



# COUNCIL REPORT

**DATE:** May 23, 2023

**CATEGORY:** Consent

**DEPT.:** Public Works,  
Community Development

**TITLE:** **Downtown Outdoor Patio and Sidewalk  
Café Ordinances (Second Reading)**

## **RECOMMENDATION**

1. Adopt an Ordinance of the City of Mountain View Repealing Article XV of Chapter 36 (Zoning) of the Mountain View City Code to Repeal Sidewalk Cafés in the Downtown Area, Amending Section 36.44.65 (Development Review Procedures) Related to Outdoor Dining and Merchandise Displays, and Amending Other Sections of Chapter 36 for Consistency and Minor Amendments, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)
2. Adopt an Ordinance of the City of Mountain View Repealing Article III (Merchant Vendors in Downtown Area) of Chapter 15 and Adding a New Section to Chapter 27 (Streets and Sidewalks) to Repeal the Sidewalk Café and Merchant Vendor Provisions and Replace Them with a New Outdoor Patio Program in the Downtown Area; and Amending Chapter 25 (Neighborhood Preservation), Chapter 26 (Public Amusements), and Chapter 27 (Streets and Sidewalks) for Consistency, to be read in title only, further reading waived (Attachment 2 to the Council report). (First reading: 7-0)

## **SUMMARY**

On May 9, 2023, the City Council introduced an ordinance (Attachment 1) to amend the Zoning Ordinance (Chapter 36) to repeal Article XV related to sidewalk cafés in the downtown area; 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; and make other minor amendments to the Zoning Ordinance, including amendments for consistency.

The City Council also introduced an ordinance (Attachment 2) to repeal Article III of Chapter 15 related to merchant vendors in the downtown area; add a new section to Chapter 27 (Streets and Sidewalks) to replace the sidewalk café and merchant vendor provisions with a new outdoor patio program in the Downtown Precise Plan area for outdoor patio operation adjacent to commercial/mixed-use uses on the public right-of-way; and make other amendments to

Chapter 25 (Neighborhood Preservation), Chapter 26 (Public Amusements), and Chapter 27 (Streets and Sidewalks) for consistency.

This is a second reading of the ordinances. If adopted, the ordinances will become effective on November 1, 2023.

**FISCAL IMPACT**

Adopting the ordinances is anticipated to have a minor positive fiscal impact. The loss of permit application and rent revenue from the sidewalk café program will be replaced by application fees and rent from the new outdoor patio program. It is anticipated that a higher number of businesses will participate in the outdoor patio program than in the former sidewalk café program.

**ALTERNATIVES**—Do not adopt the ordinances.

**PUBLIC NOTICING**

Agenda posting. The ordinances were published at least two days prior to adoption in accordance with City Charter Section 522.

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- Attachments:   1.   Ordinance for Chapter 36 Amendments  
                  2.   Ordinance for Chapters 15, 25, 26, 27 Amendments