



COUNCIL REPORT

DATE: November 1, 2022

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Castro StrEATs Outdoor Dining Program in the Pedestrian Mall and Extension of the Suspended Sidewalk Café Requirements and Fee Waivers**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Amending Resolution No. 18546, as Amended by Resolution Nos. 18577 and 18631, Temporarily Suspending Certain Requirements for Sidewalk Cafés Pursuant to Mountain View City Code Sections 36.42 *et seq.*, and Waiving Sidewalk Café Fees, Payable May 1, 2020, through April 30, 2024, and Authorizing Outdoor Dining in the Pedestrian Malls to Facilitate a Consistent Outdoor Dining Program in the Downtown Area, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On March 17, 2020, the County of Santa Clara issued a Shelter-in-Place Order in response to the COVID-19 pandemic, and the Mountain View City Council adopted a resolution declaring the [Existence of a Local Emergency](#). On June 1, 2020, the County Public Health Order was amended with a new directive that allowed for outdoor dining but continued the prohibition on indoor dining. Following this County Order, the City Council adopted [Resolution No. 18470](#) on June 9, 2020 to temporarily close the 100, 200, 300, and 400 blocks of Castro Street between West Evelyn Avenue and Mercy Street to vehicular traffic. This program, known as Castro StrEATs, was implemented to facilitate outdoor dining within the public right-of-way to support downtown businesses.

After the Castro StrEATs program began, Council amended the program several times to address the changing County Public Health Orders, including prohibiting bicycle operations and transportation devices along the closed portion of Castro Street ([Resolution No. 18489](#)); expanding the program beyond outdoor dining to other business uses ([Resolution No. 18496](#)); temporarily suspending the Downtown Sidewalk Café Program requirements, subject to compliance with the Castro StrEATs outdoor dining program, until January 3, 2023 ([Resolution No. 18546](#), [Resolution No. 18577](#), and [Resolution No. 18631](#)); and terminating the street closure for the 400 block ([Resolution No. 18576](#)).

Council also adopted a Citywide program that allowed temporary business operations on private and public property called Outdoor Mountain View. This program set requirements that allowed businesses to operate outdoors ([Resolution No. 18578](#)). The program ended January 3, 2022.

ANALYSIS

Establishment of the Castro Street Pedestrian Malls

On October 25, 2022, the City Council adopted an ordinance establishing 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, which takes effect November 24, 2022. As part of studying and preparing for the establishment of the pedestrian malls, the City's consultant, Gehl, has been drafting design standards/guidelines and a functional plan for the interim pedestrian mall. The design standards/guidelines will include the following components:

- Accessibility and ADA compliance
- Access points, barricades, and general intersection updates
- Emergency and Fire access
- Loading and delivery service pick-up areas
- Wayfinding to and from the alleyways and other entry points into the downtown
- Integration of other programming to complement outdoor dining and activate the street
- Furnishing palette

The design standards/guidelines and functional plan are currently being discussed and reviewed by the City Council ad hoc committee for the pedestrian malls. The ad hoc committee will review and provide input into the design standards/guidelines and functional plan for the interim Castro Street pedestrian malls that will be presented to the City Council for final approval.

Continuation of the Castro StrEATs Outdoor Dining Program and Sidewalk Café Waivers

Staff is recommending Council adopt a resolution to authorize the Castro StrEATs outdoor dining program in the pedestrian malls and extend certain suspended Sidewalk Café requirements under Chapter 36 of the City Code while the design standards/guidelines and functional plan are being developed and finalized. In addition, staff recommends extending waiver of the Sidewalk Café License fees through the 2023-2024 license year, which ends April 30, 2024, to coincide with the suspension of the Sidewalk Café requirements. This would continue to facilitate a consistent outdoor dining program in downtown and enable outdoor dining use in the pedestrian malls.

The proposed resolution clarifies that the fee waiver for Sidewalk Cafés applies to all fees (including new or renewal license fees and annual rents). It also clarifies that the Sidewalk Café requirements suspension applies to license renewals and new licenses as well, subject to compliance with the Castro StrEATs program requirements, and that Sidewalk Cafés outside the pedestrian malls are limited to the sidewalk area of the flexible zone. All existing Sidewalk Cafés outside the pedestrian malls located along Castro Street and side streets are within the sidewalk area (Area 1) of the flexible zone. The Public Works Director and Community Development Director would remain authorized to modify to the Castro StrEATs outdoor dining program as needed to preserve the public health, safety, or general welfare.

Outdoor dining in the pedestrian malls and suspension of certain Sidewalk Café requirements, subject to compliance with the Castro StrEATs program requirements, would remain in effect through January 3, 2024. This will allow businesses to continue to operate outdoor dining in the pedestrian malls while the new design standards/guidelines and functional plan are being finalized for Council consideration. It is envisioned that by fall 2023, staff will bring back for Council consideration various clean-up actions related to the Castro StrEATs and Sidewalk Café programs, and the City will be ready to transition into the formal interim pedestrian mall operations under a new patio license program, which will include compliance with the design standards/guidelines.

ALTERNATIVES

1. Do not approve the resolution.
2. Adopt an alternative resolution.
3. Provide other direction.

PUBLIC NOTICING

Agenda posting and email distribution to the Downtown Committee and Bicycle/Pedestrian Advisory Committee along with the Mountain View Chamber of Commerce and the Old Mountain View Neighborhood Association.

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Attachment: 1. Resolution