

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2022

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

WHEREAS, the Sidewalk Café Program in downtown Mountain View, pursuant to Mountain View City Code Sections 36.42 *et seq.*, outlines processes and guidelines to create a consistent outdoor dining program on Castro Street from Evelyn Avenue to El Camino Real, and the side streets within the Downtown Precise Plan area of the City; and

WHEREAS, on June 9, 2020, in response to the COVID-19 pandemic, the City Council adopted Resolution No. 18470, which closed 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, pursuant to Resolution No. 18470, the Castro Street Closure was to remain in effect through September 30, 2020, unless extended by the City Council; and

WHEREAS, the City Council has 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, the City Council adopted Resolution No. 18546 to temporarily suspend Sidewalk Café Program license renewal requirements, as outlined in Mountain View City Code Sections 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, pursuant to Resolution No. 18546, the Sidewalk Café Program suspension was to remain in effect through the end of the eighth week after the termination of the local emergency, unless later modified or rescinded by the City Council; and

WHEREAS, the City Council has amended Resolution No. 18546 twice since its adoption to extend suspension of the Sidewalk Café Program requirements through January 3, 2023, unless extended by the City Council, and waive the Sidewalk Café license renewal fees payable through April 30, 2023; and

WHEREAS, on October 25, 2022, the City Council adopted an ordinance 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 takes effect on November 24, 2022, and will result in the permanent closure of these street segments to vehicular traffic; and

WHEREAS, a majority of the existing sidewalk cafés are located within the established Pedestrian Malls; and

WHEREAS, the existing Sidewalk Café Program only authorizes use of the flexible zone, as defined in Chapter 36 and which includes from the building face to the edge of the paved area next to the street, for sidewalk café purposes; and

WHEREAS, with the permanent street closure to establish the Pedestrian Malls, the Sidewalk Café Program could be modified to specifically address the Pedestrian Malls; and

WHEREAS, modifications to the existing Sidewalk Café Program to account for the Pedestrian Malls have not yet been developed; and

WHEREAS, to continue to provide a consistent downtown outdoor dining program, it remains beneficial to extend the temporary suspension of the Sidewalk Café Program requirements and continue to allow utilization of Area 1 of the flexible zone, outside the Pedestrian Malls, for outdoor dining subject to compliance with the Castro StrEATs outdoor dining program requirements; and

WHEREAS, it continues to remain beneficial to waive the Sidewalk Café License fees through the license year 2023-24 to be consistent with the suspension of the Sidewalk Café Program requirements and clarify that all license fees for sidewalk cafés are waived; now, therefore, be it

RESOLVED: that outdoor dining shall be allowed to operate in the Pedestrian Malls pursuant to the Castro StrEATs program requirements; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View hereby amends Resolution No. 18546, as amended by Resolution Nos. 18577 and 18631, to clarify that

Sections 36.42.10 through 36.42.25 of the Sidewalk Café Program requirements are suspended; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View hereby amends Resolution No. 18546, as amended by Resolution Nos. 18577 and 18631, to clarify that persons wishing to operate a Sidewalk Café outside the Pedestrian Malls, both within Castro Street and the side streets of the Downtown area, may utilize Area 1 of the flexible zone, as defined in Chapter 36 of the Mountain View City Code, for outdoor dining subject to compliance with the Castro StrEATs outdoor dining program requirements; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View hereby amends Resolution No. 18546, as amended by Resolution Nos. 18577 and 18631, to remain in effect through January 3, 2024; and be it

FURTHER RESOLVED: that the Castro StrEATs outdoor dining program may be modified as needed by the Public Works Director and Community Development Director to preserve the public health, safety, or general welfare, including, but not limited to, addressing required changes pursuant to a public health order, and notwithstanding any City of Mountain View requirements or regulations that conflict with these requirements; and be it

FURTHER RESOLVED: that the Sidewalk Café License fees, as required pursuant to Mountain View City Code Chapter 36, Article XV, are hereby waived for the 2023-24 license year, and that the City Council hereby clarifies that all sidewalk café fees (inclusive of new and renewal licenses and annual rent for parking spaces and public sidewalks) are hereby waived for license years 2020-2024.

Except as amended set forth herein, Resolution No. 18546, as amended by Resolution Nos. 18577 and 18631, shall remain in full force and effect.

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LK/4/RESO  
014-11-01-22r