

CITY OF MOUNTAIN VIEW
RESOLUTION NO. 18796
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING THE CITY OF MOUNTAIN VIEW MASTER FEE SCHEDULE BY REPEALING AND
REPLACING SIDEWALK CAFÉ AND MERCHANT VENDOR FEES WITH
OUTDOOR PATIO APPLICATION AND RENTAL FEES

WHEREAS, staff has reviewed and analyzed the cost of providing various City services and allocated overhead costs throughout the City departments; and

WHEREAS, the City seeks to achieve and maintain financial stability through reasonable cost recovery where appropriate to allow the City to continue to provide cost-effective services; and

WHEREAS, the City allows for sidewalk cafés to be located in the downtown area pursuant to the Sidewalk Café Program, as set forth in Mountain View City Code Article XV of Chapter 36; and

WHEREAS, on June 9, 2020, the City Council adopted Mountain View Resolution No. 18470 (subsequently amended) in response to the COVID-19 pandemic to temporarily close a portion of Castro Street to vehicular traffic (“Castro Street Closure”) to facilitate a temporary outdoor dining program (“Castro StrEATs”); 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 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, 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 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 Sections 11000, *et seq.*, the Pedestrian Mall Law of 1960; and

WHEREAS, on May 9, 2023, City Council will consider various actions to repeal the Sidewalk Café and Merchant Vendor provisions of the City Code and establish a new Outdoor Patio Program in the downtown area; and

WHEREAS, the City desires to replace sidewalk café and merchant vendor fees associated with the use of parking and sidewalk spaces with new patio rental rates and application fees to require rental rates of the public right-of-way on a square footage basis, consistent with the methodology used for other City real property license agreements; and

WHEREAS, the new outdoor patio annual rental fees shall be increased annually by 5% as part of the budget process; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby adopts the following fees as set forth in the schedules attached hereto and incorporated herein, which shall be effective November 1, 2023:

Exhibit A: Fee Schedule for Community Development Department as revised May 9, 2023, or such other date as detailed in the exhibit; and

Exhibit B: Fee Schedule for Public Works Department as revised May 9, 2023, or such other date as detailed in the exhibit; and

Exhibit C: Fee Schedule for Finance and Administrative Services Department as revised May 9, 2023, or such other date as detailed in the exhibit; and be it

FURTHER RESOLVED: that the outdoor patio license annual rent fee adopted by this Resolution shall apply to all licenses, including any licenses issued prior to July 1, 2024 with an initial license term exceeding one year.

The foregoing resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the City of Mountain View, duly held on the 9th day of May 2023, by the following vote:

AYES: Councilmembers Abe-Koga, Kamei, Matichak, Ramirez, Ramos, Vice Mayor Showalter, and Mayor Hicks

NOES: None

ABSENT: None

ATTEST:

APPROVED:



HEATHER GLASER
CITY CLERK



ALISON HICKS
MAYOR

Pursuant to Mountain View Charter § 709(b), I do hereby certify that the foregoing is an original or a correct copy of the Resolution passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 9th day of May 2023, by the foregoing vote.



City Clerk
City of Mountain View

NCW/JL/6/RESO
012-05-09-23r

- Exhibits: A. Fee Schedule for Community Development Department
B. Fee Schedule for Public Works Department
C. Fee Schedule for Finance and Administrative Services Department

FEE SCHEDULE—COMMUNITY DEVELOPMENT DEPARTMENT

Exhibit A

State Code § (if any)	MVCC §§/CP/ Other	Title of Fee	Current Fee	Proposed Fee	Fee Basis	Effective Date
	36.42.20	Sidewalk Café New License	\$865.00	Eliminate	Initial	November 1, 2023
	36.42.20	License Renewal-Annual ²²	\$230.00	Eliminate	Annual	November 1, 2023
	36.42.20	Rent-Annual (downtown parking space)	\$1,349.00	Eliminate	Fixed annual	November 1, 2023
	36.42.20	Rent-Annual (downtown public sidewalk)	\$6.75	Eliminate	Square foot annual	November 1, 2023

²² Annual café license renewal fee will apply if the renewal is submitted prior to termination of the existing annual license. If not, the fee will be in the amount of the new license fee. In addition, failure to maintain a Sidewalk Café License is a violation of the MVCC and subject to administrative penalties.

FEE SCHEDULE—PUBLIC WORKS DEPARTMENT

Exhibit B

State Code § (if any)	MVCC §§/CP/ Other	Title of Fee	Current Fee	Proposed Fee	Fee Basis	Effective Date
	27.17	Outdoor Patio License Annual Rent Fee ^{1 2}	N/A	\$10.00	Per square foot of licensed area	November 1, 2023
	27.17	Outdoor Patio New License Application Fee	N/A	\$608.00	Per New Patio License	November 1, 2023

¹ Annual Rent fees shall be a flat fee and shall not be prorated for licenses with terms less than or in excess of one year.
² Annual Rent fees shall be increased annually by 5% as part of the budget process.

FEE SCHEDULE—FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

Exhibit C

State Code § (if any)	MVCC §§/CP/ Other	Title of Fee	Current Fee	Proposed Fee	Fee Basis	Effective Date
	15.31.b.4	Merchant Vendor (downtown)	\$900.00	Eliminate	Annual (rolling)	November 1, 2023