

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
TEMPORARILY SUSPENDING CERTAIN REQUIREMENTS FOR
SIDEWALK CAFÉ LICENSE RENEWALS PURSUANT TO
MOUNTAIN VIEW CITY CODE SECTION 36.42 AND WAIVING
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

WHEREAS, the Mountain View City Council proclaimed a state of emergency on March 17, 2020 in response to COVID-19 following the World Health Organization's escalation of COVID-19 to a pandemic, and declarations of states of emergency have been made at the County, State, and Federal level to slow the spread of the COVID-19; and

WHEREAS, on March 16, 2020, March 31, 2020, and April 29, 2020, the Health Officer of the County of Santa Clara issued subsequent orders directing all individuals living in the County to continue to shelter in their place of residence subject to certain exceptions, thus impacting the revenue and economic stability of many Mountain View businesses; and

WHEREAS, on June 1, 2020, the Health Officer of the County of Santa Clara issued an order effective June 5, 2020 authorizing the use of outdoor dining, and on May 12, 2020, the State issued COVID-19 Industry Guidance: Dine-In Restaurants, which prioritizes outdoor seating and curbside pickup to minimize cross-flow of customers in enclosed environments; and

WHEREAS, through 2020 and into 2021, the State and County have issued a number of health orders and reopening plans that have changed over time and seen restaurants open for limited indoor dining, close both indoor and outdoor dining, and reopen outdoor dining; and

WHEREAS, Castro Street is the main thoroughfare in downtown Mountain View and an economic and cultural focal point of the City with a variety of ground-floor businesses, including many restaurants, that have been significantly impacted by the COVID-19 pandemic; and

WHEREAS, in an effort to support businesses in downtown Mountain View as they recover from the COVID-19 pandemic and operate under the County of Santa Clara

Public Health Order and the State’s guidelines, the City adopted a program partnering with businesses to allow for outdoor dining along Castro Street and providing logistical support and organization to facilitate outdoor dining, which has been implemented seven days a week when outdoor dining is allowed under applicable health orders, and is anticipated to run through up to eight weeks after the termination of the local emergency (the “Outdoor Dining Program”); and

WHEREAS, the Sidewalk Café Program is a preexisting program established in Mountain View City Code Chapter 36 (Zoning), Article XV (Sidewalk Cafés in Downtown Area), that allows for outdoor dining on sidewalks and parking areas (also defined as the flexible zone) along downtown streets with the issuance of a Sidewalk Café License if the license requirements as outlined in the Code are followed, which includes annual submission of renewal paperwork and payment of fees; and

WHEREAS, the Sidewalk Café Program area is largely the same as the area covered by the newer temporary outdoor dining program implemented in response to the COVID-19 pandemic, and most, if not all, sidewalk café licensees may also operate under the latter program by execution of a vendor participation agreement without payment of fees or compliance with the more substantial requirements of the Sidewalk Café Program; and

WHEREAS, it is beneficial for the City and for current sidewalk café licensees for such licensees to remain in the Sidewalk Café Program to allow for more seamless continued operation after the end of the State of Emergency and the temporary outdoor dining program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that to facilitate a consistent approach for outdoor dining in the downtown during the state of emergency for Sidewalk Café Program licensees that are in compliance with a vendor participation agreement under the Outdoor Dining Program, the Sidewalk Café Program license renewal requirements, as outlined in Mountain View City Code Chapter 36, Article XV, are hereby temporarily suspended, retroactive to the date of the initial declaration of the local state of emergency and through the end of the eighth week after the termination of the local emergency.

BE IT FURTHER RESOLVED that the Sidewalk Café License renewal fee, as required pursuant to Mountain View City Code Chapter 36, Article XV, is hereby waived for the 2020-21 license year and 2021-22 license year.

BE IT FURTHER RESOLVED that those Sidewalk Café Licensees wishing to operate on the sidewalk in the interim while the Sidewalk Café Program requirements are temporarily suspended may utilize the flexible zone, as defined in Chapter 36 of the Mountain View City Code, subject to the Outdoor Dining Program requirements and

upon the effective date of this Resolution and up to eight weeks after the termination of the local emergency, as determined by the Public Works and Community Development Directors.

This Resolution shall become effective immediately and will 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.

KP/1/RESO
828-04-13-21r