

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 27 OF THE MOUNTAIN VIEW CITY CODE
TO ADD ARTICLE VI 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
IN THE CITY OF MOUNTAIN VIEW

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 and to remove the segment of Castro Street between California Street and Mercy Street from the Castro Street Closure; and

WHEREAS, the Castro Street Closure is currently set to expire on January 16, 2023; and

WHEREAS, due to the success and popularity of the Castro Street Closure and the Castro StrEATs program, the City Council wishes 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, pursuant to the Pedestrian Mall Law of 1960 (California Streets and Highways Code Section 11000, *et seq.*); and

WHEREAS, on June 28, 2022, the City Council adopted Resolution No. 18686 declaring its intention 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 and setting a public hearing on establishment of the pedestrian malls on October 11, 2022; and

WHEREAS, a public hearing on the establishment of the pedestrian malls was held on October 11, 2022 in accordance with California Streets and Highways Code Section 11301, *et seq.*; and

WHEREAS, the City did not receive any written claims for damages by reason of the establishment of the proposed pedestrian malls pursuant to Streets and Highways Code 11304; and

WHEREAS, the City did not receive a majority protest to the establishment of the pedestrian malls by owners of lands abutting the proposed pedestrian mall pursuant to Streets and Highways Code Section 11306; and

WHEREAS, at the conclusion of the hearing on establishment of the pedestrian mall, the City Council adopted a resolution to proceed with establishing a pedestrian mall in accordance with California Streets and Highways Code Section 11311; and

WHEREAS, the City Council now wishes to enact an ordinance, in accordance with California Streets and Highways Code Section 11600, to establish the pedestrian malls;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 27 of the Mountain View City Code is hereby amended to add Article VI, Pedestrian Malls, which shall read as follows:

“ARTICLE VI.
PEDESTRIAN MALLS.

SEC. 27.80. - Citation.

This Article shall be known and may be cited as the “Pedestrian Malls Ordinance.”

SEC. 27.81. - Definitions.

As used in this Article:

a. “Motor Vehicle” means any vehicle that is self-propelled, except a self-propelled or motorized wheelchair, tricycle or quadricycle if used or operated by a person who, by reason of a physical disability, is otherwise unable to move about as a pedestrian.

b. “Pedestrian Mall” means any city street, or portions thereof, on which vehicle traffic is restricted in whole or in part and which is to be used exclusively or primarily for pedestrian travel.

c. “Street” means any way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

d. "Vehicle" means any device by which a person or property may be propelled, moved or drawn upon a street, except a device moved exclusively by human power.

e. "Motor Vehicle Traffic" means Motor Vehicles, either singly or together, while using any street for purposes of travel.

SEC. 27.82 - Pedestrian Mall established.

There is established in the downtown area of the City of Mountain View Pedestrian Malls, the boundaries of which are set forth in Sec. 27.83 below.

SEC. 27.83. - Pedestrian Mall boundaries.

The boundaries of the Pedestrian Malls established herein are as follows:

a. Castro Street between the east leg of West Evelyn Avenue and Villa Street.

b. Castro Street between Villa Street and West Dana Street.

c. Castro Street between West Dana Street and California Street.

SEC. 27.84. - Motor Vehicle Traffic prohibited.

All Motor Vehicles, except the following, are prohibited within the Pedestrian Mall boundaries at all times:

a. Emergency vehicles, including, but not limited to, police vehicles, fire vehicles and ambulances.

b. Public utility vehicles, including street sweepers; any vehicle owned or operated by an agency or company providing essential services to property, such as electricity, telephone, water, sewer, cable, internet and gas; and any vehicle, as authorized by the public works director or designee, for purposes of performing city services on a Pedestrian Mall.

c. Garbage and recycling trucks as necessary for the collection of waste or refuse.

d. Commercial vehicles, as authorized by the public works director or designee, for purposes of performing work or services on the Pedestrian Mall.

SEC. 27.85. - Cross Traffic.

Notwithstanding the Motor Vehicle Traffic prohibition set forth in Sec. 27.84, Motor Vehicles traveling along Villa Street and West Dana Street shall be permitted to cross the Pedestrian Mall as those streets intersect Castro Street."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. Pursuant to the California Environmental Quality Act (“CEQA”) Guidelines, the City completed an Initial Study/Negative Declaration, adopted by resolution of the City Council on October 11, 2022, that adequately assessed the environmental impacts of the proposed pedestrian malls. No potentially significant impacts on the environment have been identified with the establishment of said pedestrian malls.
