

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
ADOPTING THE DOWNTOWN MOUNTAIN VIEW OUTDOOR PATIO STANDARDS/GUIDELINES
AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO MAKE MINOR AMENDMENTS
TO THE STANDARDS/GUIDELINES

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 in response to the COVID-19 pandemic to temporarily close 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, the City Council 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, 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 Mountain View 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 November 1, 2022, the City Council adopted Resolution No. 18726 that, amongst other things, allowed outdoor dining to operate in the Pedestrian Malls pursuant to the Castro StrEATs program requirements; and

WHEREAS, the City desires to strengthen the character and identity of downtown through a higher degree of uniformity and cohesiveness by providing design standards/guidelines related to furnishing options and use of public right-of-way for outdoor patios located in downtown, including the newly established Pedestrian Malls; and

WHEREAS, concurrent with this Resolution, the City Council will consider adoption of two ordinances to repeal Article III of Chapter 15, Merchant Vendors in the Downtown Area; repeal Article XV of Chapter 36, Sidewalk Cafés in the Downtown Area; amend Section 36.44.65 of Chapter 36 related to Development Review Procedures to clarify the permit procedure for outdoor dining and merchandise displays on private property; replace the Sidewalk Café Program with a new outdoor patio program in the Downtown Precise Plan area for outdoor patio operation adjacent to commercial/mixed-use uses on public right-of-way included in Chapter 27 of the City Code (“Outdoor Patio Program”); make other amendments to Chapters 25, 26, 27, and 36 for consistency; and make other minor amendments to Chapter 36; and

WHEREAS, concurrent with this Resolution, the City Council will consider amendment of the Downtown Precise Plan that would continue to authorize outdoor dining and merchandise displays on private property in the Downtown Precise Plan area pursuant to a Development Review Permit and in conformance with the design guidelines of the Downtown Mountain View Outdoor Patio Standards/Guidelines, and make other minor amendments; and

WHEREAS, the infrastructure improvements for the permanent Pedestrian Malls will occur at a future date, and, until such date, the Pedestrian Malls operate with interim vertical separation between the roadway and sidewalks; and

WHEREAS, the Mountain View Outdoor Patio Standards/Guidelines may need to be amended in response to an evolution of the Pedestrian Malls as the permanent improvements are installed; and

WHEREAS, the City desires to authorize the Public Works Director to make minor amendments to the Outdoor Patio Standards/Guidelines, consistent with Section 27.17 (Outdoor Patios in the Downtown Area) of the City Code, and as needed to implement and administer the Outdoor Patio program to ensure the protection of the health, safety, and welfare of the public; now, therefore, it be

RESOLVED: that the City Council of the City of Mountain View does hereby adopt the Outdoor Patio Standards/Guidelines attached hereto and incorporated herein as Exhibit A, which shall be effective on November 1, 2023; and be it

FURTHER RESOLVED: that the Public Works Director is authorized to make minor amendments to the Outdoor Patio Standards/Guidelines, consistent with Section 27.17 (Outdoor Patios in the Downtown Area) of the City Code, and as needed to implement and administer the Outdoor Patio program to ensure the protection of the health, safety, and welfare of the public.

NCW/6/RESO
012-05-09-23r-1

Exhibit: A. Downtown Mountain View Outdoor Patio Standards/Guidelines

DRAFT

Downtown Mountain View Outdoor Patio Standards/Guidelines

Mountain View | CA

April 2023



Gehl

Contents

1

P-3 Introduction

2

P-5 Patio Location and Permitted Activities

3

P-8 Patio Layout

4

P-15 Business Responsibilities

5

P-17 Design Guidelines

6

P-29 Maintenance & Operations

Introduction

An **Outdoor Patio** is an outdoor area located within the public right-of-way for an adjoining business to operate outdoors. They contribute to a vibrant and active downtown making it an attractive place to walk, dine and socialize.

These outdoor patio guidelines are intended to achieve:

- A vibrant Downtown that serves as the center of Mountain View social and civic life; and
- Strengthen the character of Downtown and to create a higher degree of design uniformity and cohesiveness.



Patio Location and Permitted Activities

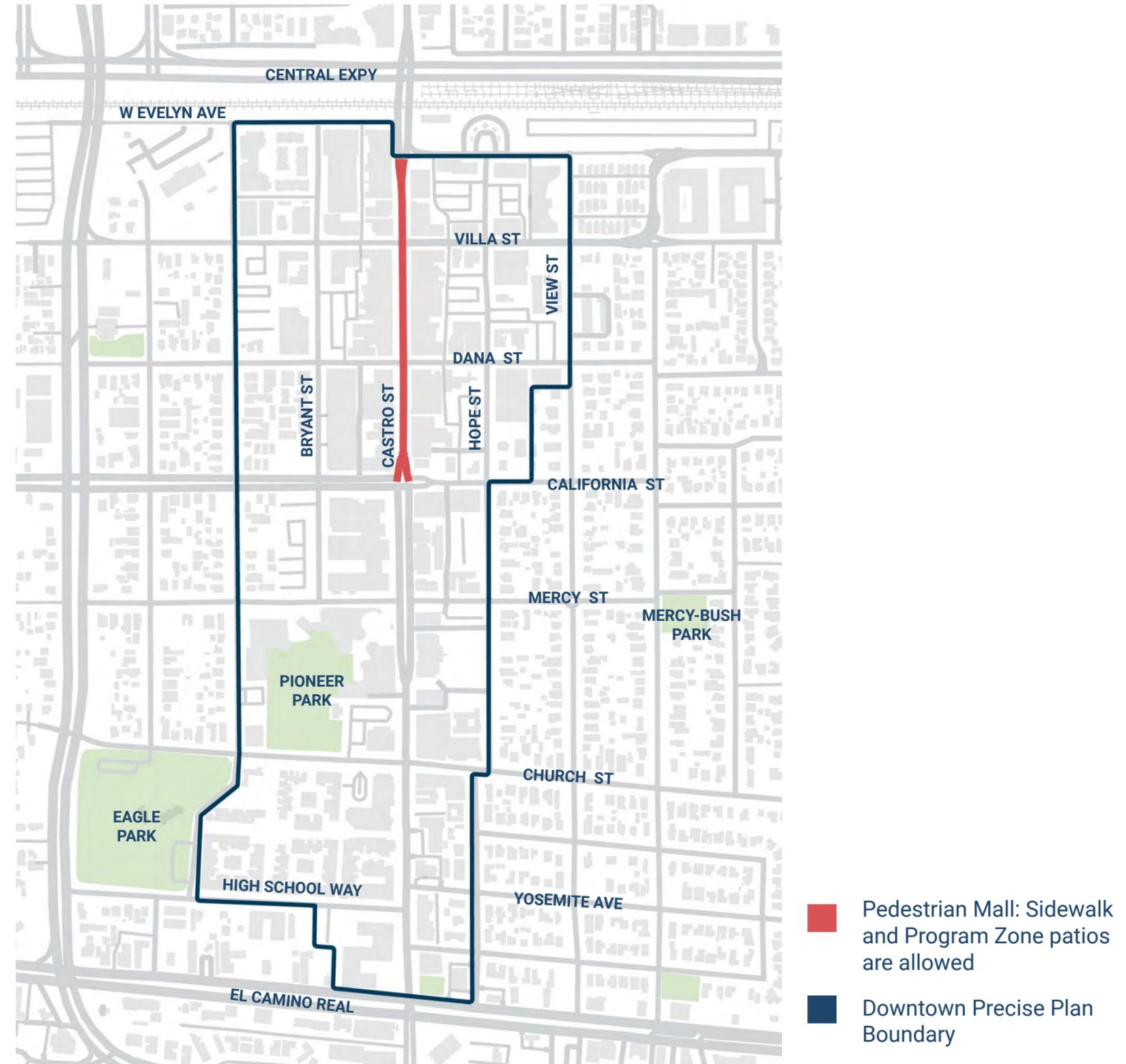
Outdoor Patio Locations

Outdoor patios are permitted along commercial/mixed use properties in the Downtown Precise Plan.

Within the extents of Pedestrian Mall (Figure 1, shown in **red color**), outdoor patios are allowed on sidewalk and program zones. Program zone patios are only applicable in the Pedestrian Malls.

In other commercial/mixed-use areas of the Downtown Precise Plan (Figure 1, shown in **blue color**), outdoor patios are allowed only on sidewalks*.

* Businesses on Castro Street between the two Evelyn Avenue approaches may continue to operate in the program zone until the construction of the street connection begins as part of the Castro Grade Separation Project.



Permitted Outdoor Activities based on the location of business

Permitted outdoor activities include dining and retail merchandise display, with allowed live entertainment as an ancillary activity.

If a business is located in the Pedestrian Malls, patios are permitted on:

- Sidewalks
- Program Zones

If a business is located in the greater Downtown Area outside of the Pedestrian Malls, patios are permitted on:

- Sidewalks*

Outdoor activities on private property in the Downtown are governed by the Downtown Precise Plan and require a Development Review Permit. The design guidelines contained in this document apply to outdoor activities as authorized in the Downtown Precise Plan.

* See exception on Page P-6 for businesses along Castro Street between two Evelyn Avenue approaches.

Pedestrian Malls

Downtown Precise Plan Area, Except Pedestrian Malls

Permitted Activity → Activity Location ↓	Pedestrian Malls			Downtown Precise Plan Area, Except Pedestrian Malls		
	Dining	Retail	Live Entertainment	Dining	Retail	Live Entertainment
Sidewalk	Yes	No	No	Yes	No	No
Program Zone	Yes	Yes	Yes	Not applicable outside of Pedestrian Malls		



↑ Dining



↑ Retail

Patio Layout

Potential Patio Layouts

A Sidewalk

See page P-10

B Program Zone 10'

See page P-11; applicable to Pedestrian Malls only

C Program Zone 18'

See page P-12; applicable to Pedestrian Malls only

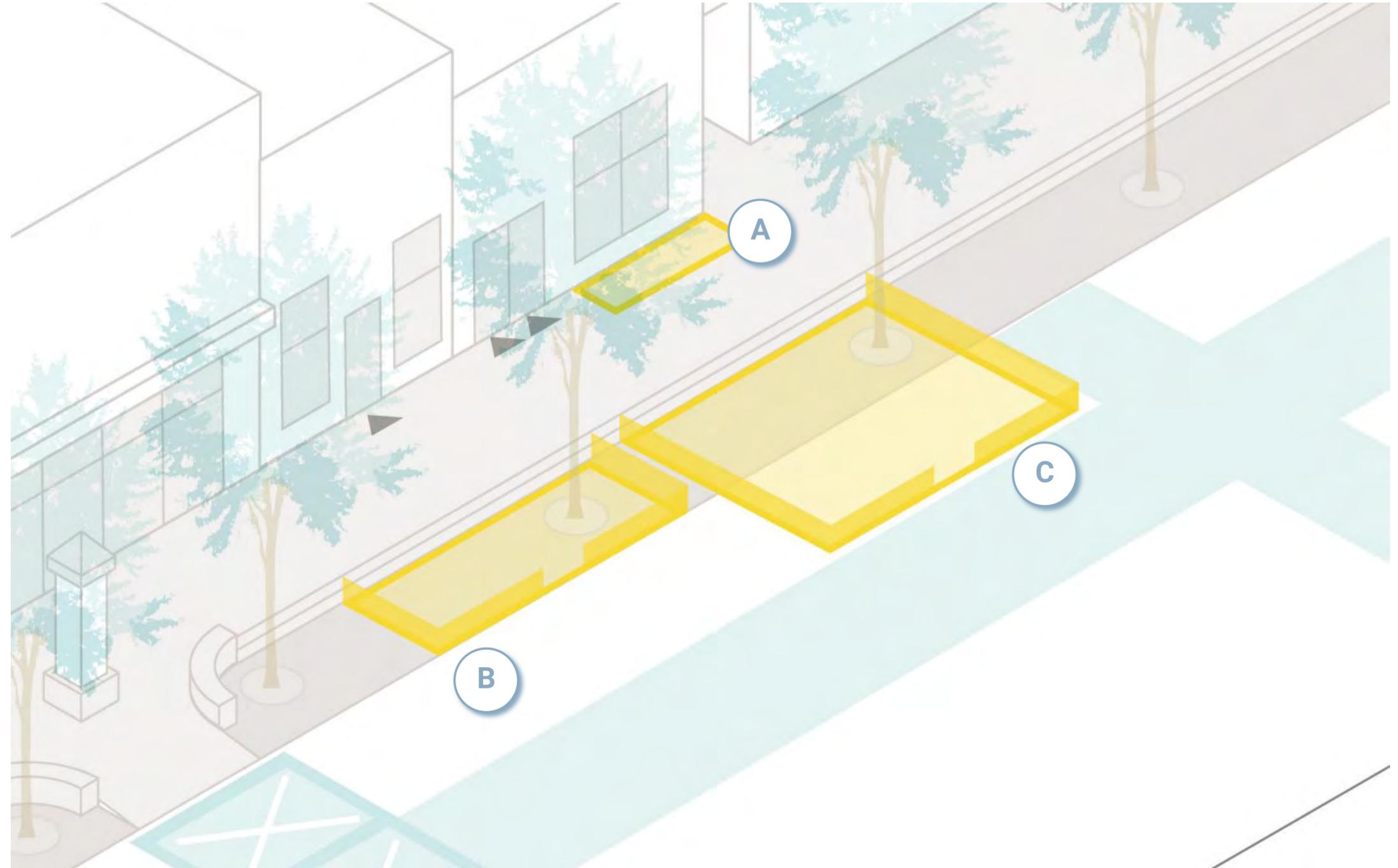


Figure 3: Potential Patio Layouts

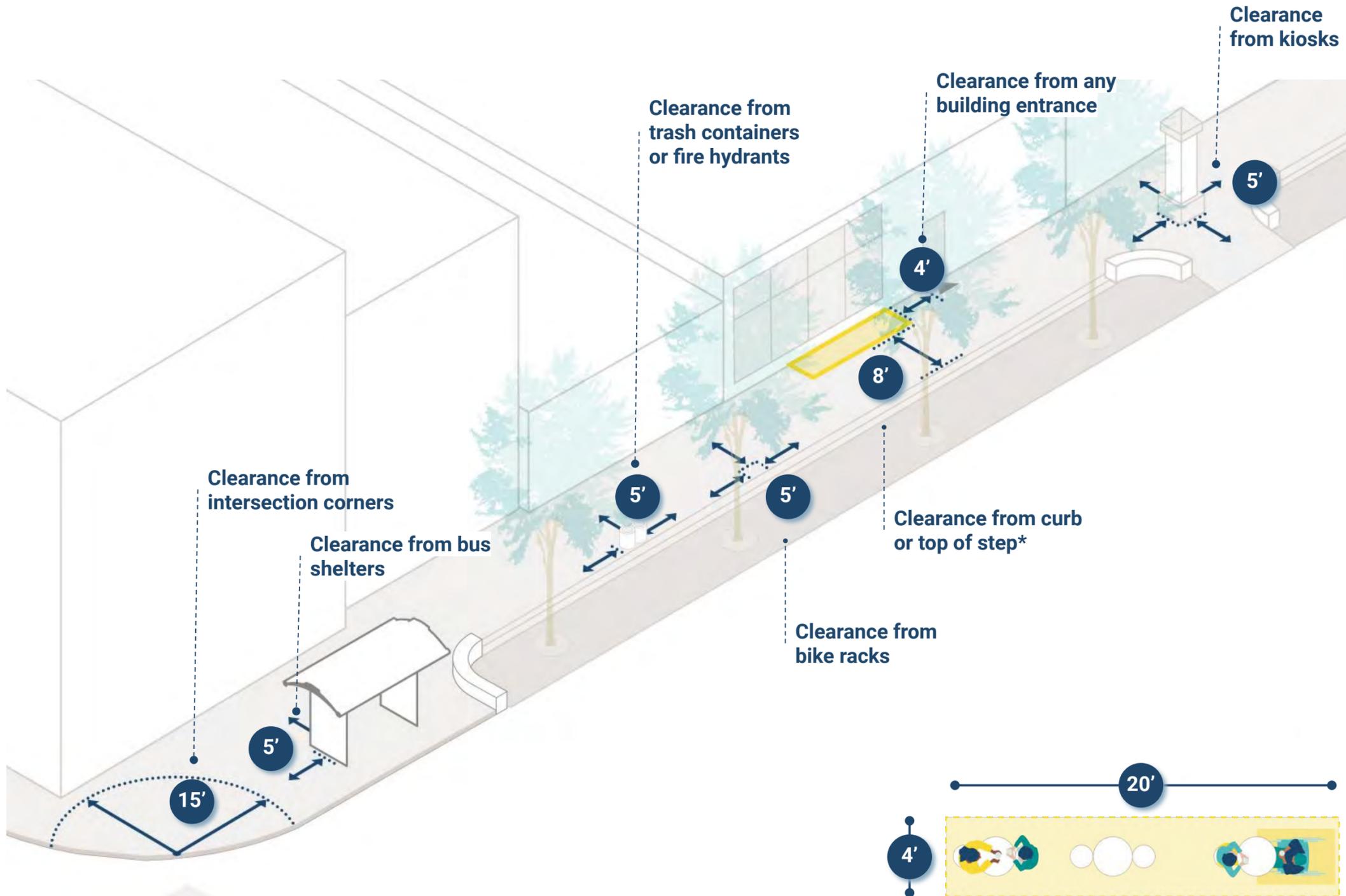


Figure 4: Sidewalk Patio Minimum Dimensions

* 8' clearance along Castro Street and 6' clearance along cross streets.

Seating Capacity

Approximately 1 customer per 15ft²

Patio Layout

A Sidewalk

For Outdoor Patios located on the sidewalk, the Patio operator shall maintain the listed minimum dimensions for pedestrian access along the sidewalk.

Pedestrian Access Minimum Dimensions

- ❑ Eight feet (8') wide along sidewalk (top of step towards building) along Castro Street and Six feet (6') wide clearance on cross streets; and
- ❑ Four feet (4') clearance from the building entrance/exit; and
- ❑ Fifteen feet (15') (radial) from the corner intersections, as measured from the back of the curb; and
- ❑ Five feet (5') clear around City planters, bus shelters, trash containers, bicycle racks, and public kiosks; and
- ❑ No umbrellas or heaters are permitted on the sidewalk; and
- ❑ Food trays or carts, receptacles for dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the sidewalk area.

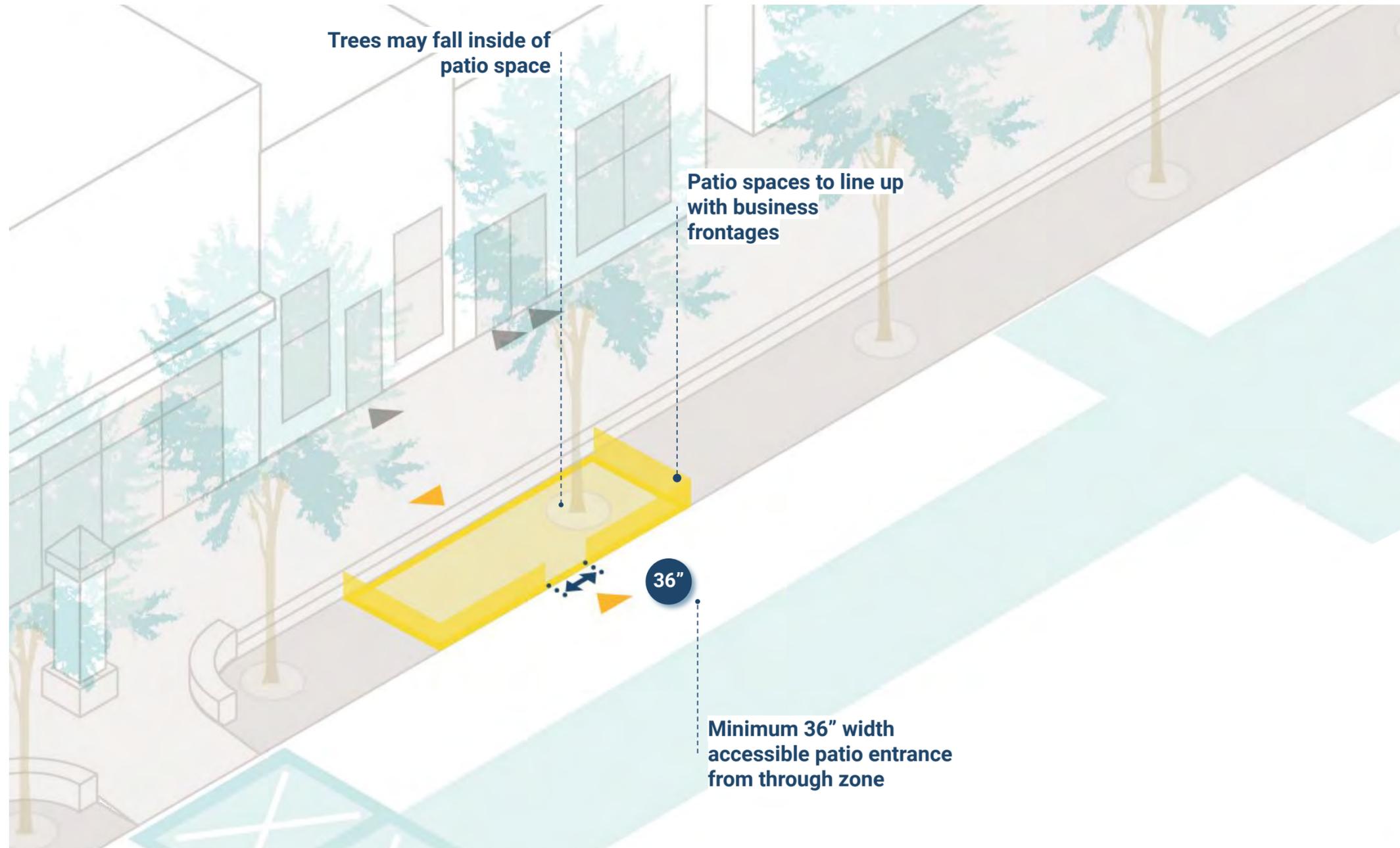
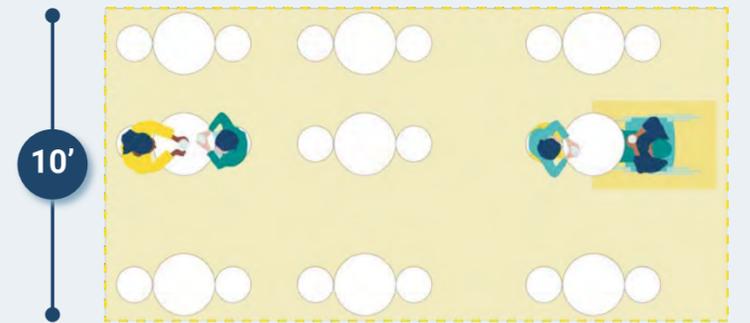


Figure 5: Patio Layout in 10' Program Zone

Patio Layout

B Program Zone 10'



Seating Capacity

Approximately 1 customer per 15ft²

- ❑ Patio operators must operate in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) standards. (See P-24)

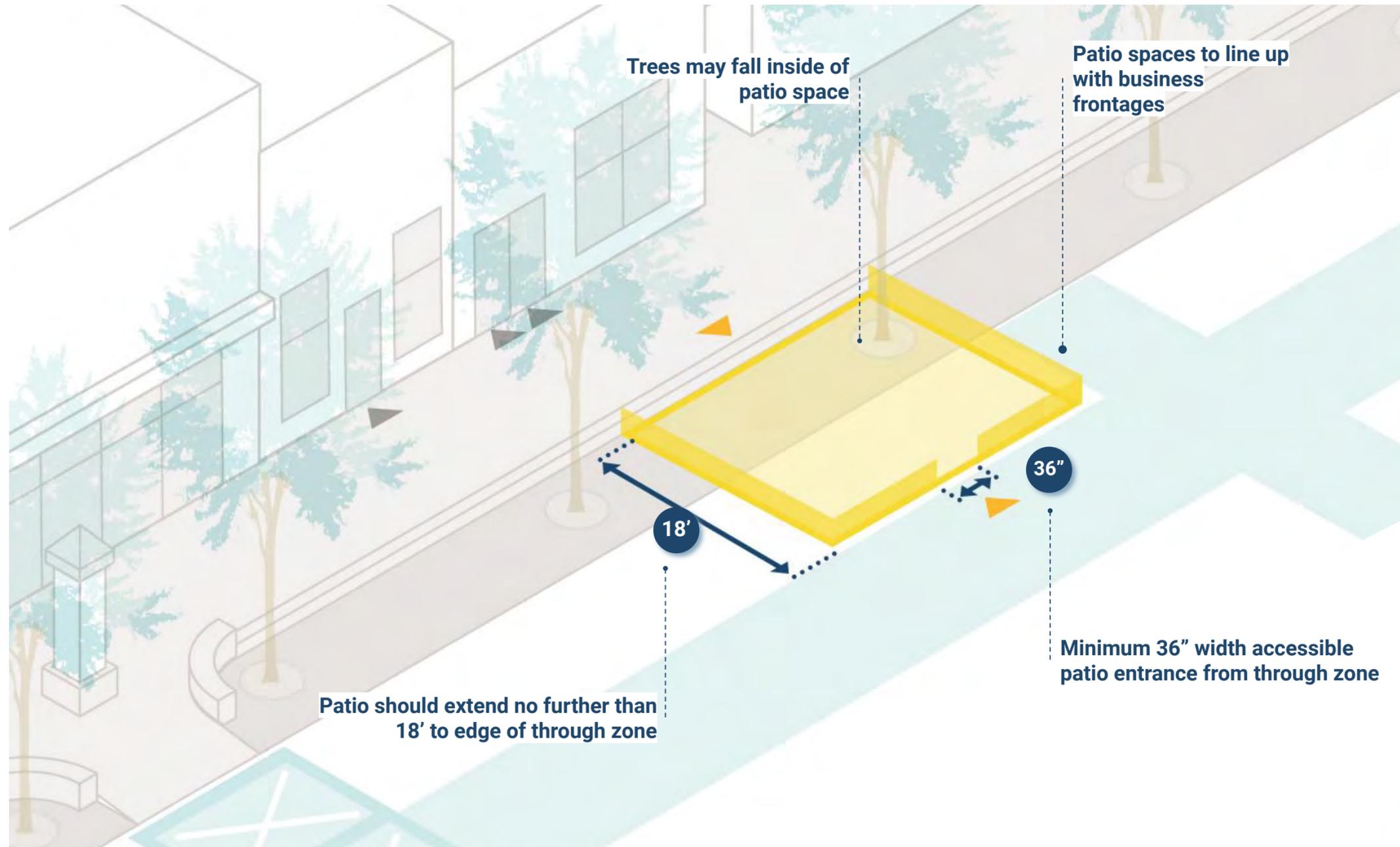
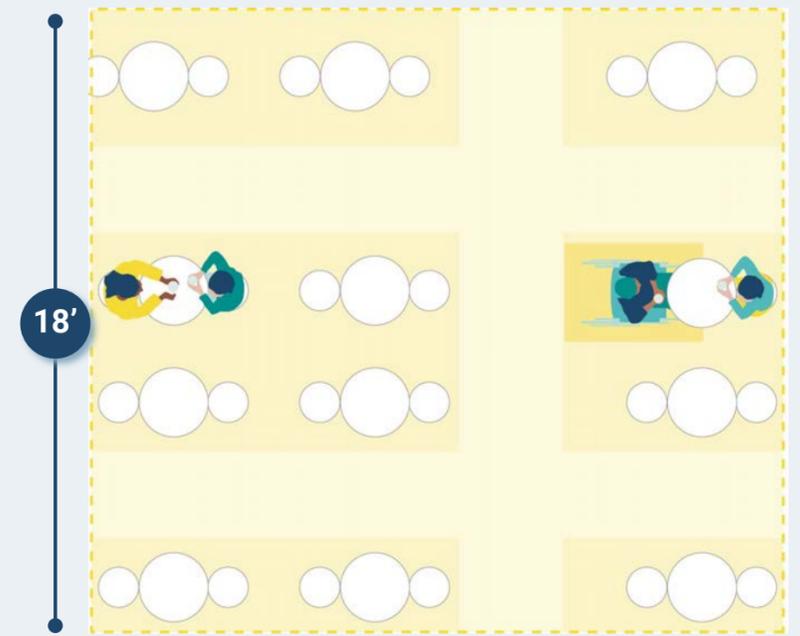


Figure 6: Patio Layout in 18' Program Zone

Patio Layout

C Program Zone 18'



Seating Capacity

Approximately 1 customer per 15ft²

- ❑ Patio operators must operate in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) standards. (See P-24)

Patio Layout

– Adjacent Extension

A Patio operator may propose to extend the Outdoor Patio in front of an adjacent business if it can be found that the proposed use will not block the visibility of display windows or signage of that business. However, the adjacent business tenant and owner must provide written consent of the extended layout.

The written consent must be valid for the license term and cannot be revoked during this period. Written consent shall be submitted on a City-approved form as part of the application materials for the license.

Before extending a patio in front of an adjacent business, patio operators should first extend to a 18' program zone patio. The maximum allowable patio space of a single business is 750 square feet.

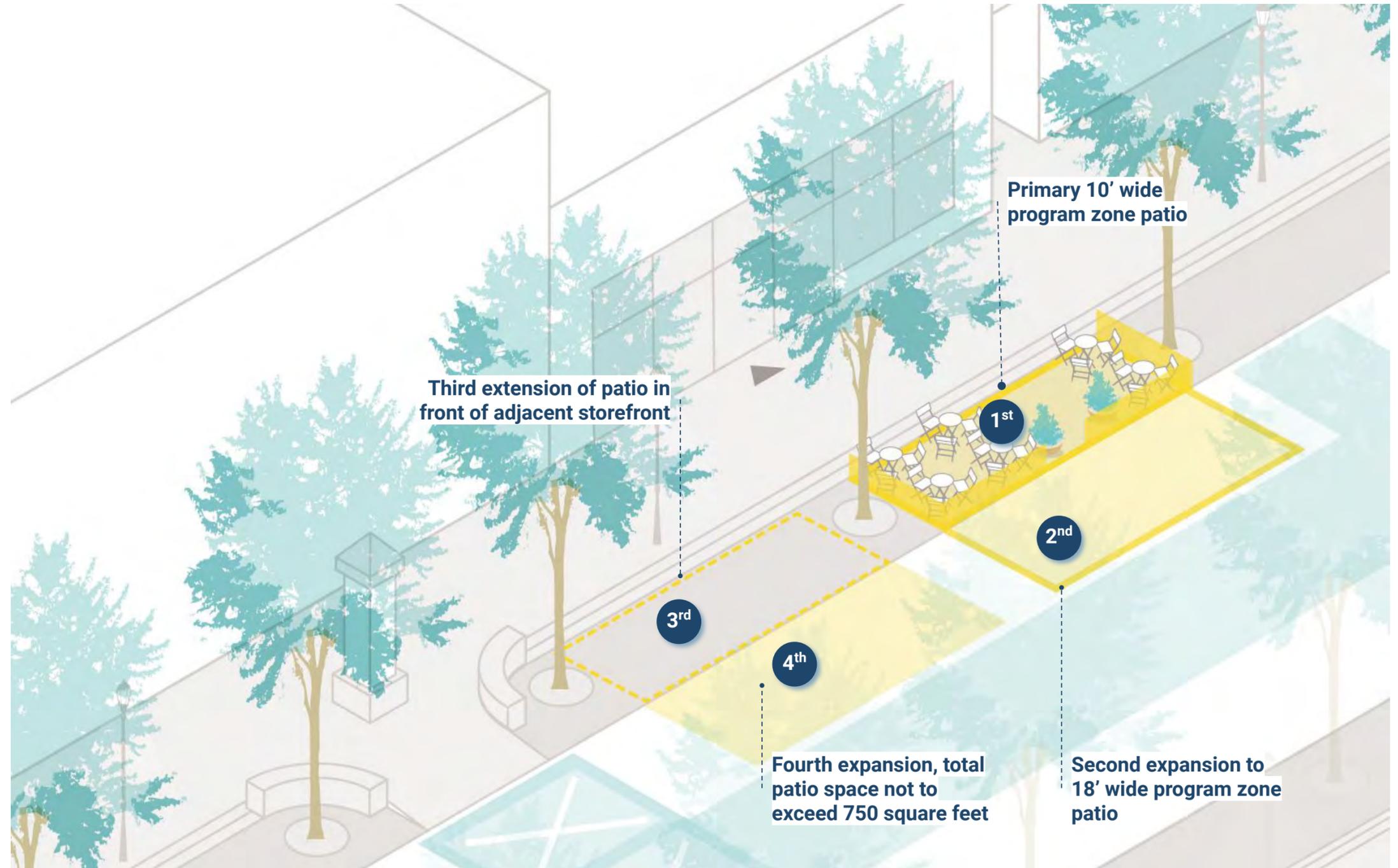


Figure 7: Patio Layout in Pedestrian Mall

The City and Business Partnership

Making the Downtown a continuing success requires an effective partnership between the City of Mountain View and Downtown businesses.

The goal of this partnership is to ensure a successful, attractive, and well-used Downtown that supports existing and future businesses and ensures that businesses are treated equally.

The City's role is to support business success by providing consistent guidelines, public infrastructure improvements, public events, and timely street maintenance. Specifically, the City will:

City's Specific Responsibilities

- Receive and approve applications based on approved Outdoor Patio Design Standards/Guidelines.
- Within the Pedestrian Malls, applications will be reviewed and approved based on space availability after allocation for public use areas (such as social eddies) and walkways connecting sidewalks and the central walkway in the program zones.
- Update these standards/guidelines as needed based on actual experience and measures of success.
- Provide technical support to business in the preparation of patio applications.
- Provide public seating and play installations.
- Conduct special events and programs.
- Provide regular maintenance of public facilities.

Business Responsibilities

Businesses will be responsible for ...

1 Patio License Application

- ❑ Businesses choosing to operate outdoor patios in Downtown shall submit City provided application, including all required materials, along with application fee*
- ❑ Provide required Insurance specified in the application
- ❑ Annually renew patio licenses
- ❑ Pay the required annual rent fee

2 Patio Implementation

- ❑ Purchase any new patio furnishings in compliance with the design standards/guidelines, after City's approval of license application
- ❑ Implement individual patios within the allowable space approved by City through license agreement

* Approval of patio license is subject to space availability, see Page P-14

3 Patio Operations & Maintenance

- ❑ Maintain and upkeep patios and patio furnishing, including trash removal, replacement of broken furnishings, and upkeep of plantings, if implemented.
- ❑ Continuously make sure that patio operations are in compliance with requirements provided in the guidelines.
- ❑ Temporarily remove patios when requested by the City for street cleaning, maintenance, and special events.
- ❑ Maintain insurance and comply with all applicable local, state, and federal laws.
- ❑ Outdoor Patio must be accessible per Americans with Disabilities Act (ADA) guidelines and State of California accessibility requirements delineated in Chapter 11 of the adopted California Building Code.

- ❑ The operator of the Outdoor Patio shall furnish tables and chairs and, if desired, umbrellas and portable heaters.
- ❑ Outdoor Patio furniture shall not be secured to streetlights, trees, or other street furniture. The Outdoor patio operator shall not make any permanent changes to the public right-of-way, such as bolting furnishings or equipment to the ground.
- ❑ A business with an Outdoor Patio located on the sidewalk shall be open for breakfast/lunch and dinner, and the Patio shall be set up during these periods for business, weather permitting.
- ❑ Patio operators shall not utilize city electrical outlets, string lights from buildings, nor use extension cords.
- ❑ Pursuant to the City Code, Outdoor Patio licenses are subject to suspension or revocation if found non-compliant with the design standards/guidelines.

Design Guidelines

Patio elements must ...

Operating an outdoor patio is optional. However, if businesses chose to operate outdoors and the license agreement is approved, the patio elements must meet the following guidelines:



Patio Element Guidelines

- ❑ All elements/furnishings must be freestanding; nothing may be bolted to the ground.
- ❑ All elements must be easily movable; businesses should be able to easily pack up their patio space for street cleaning or special events.
- ❑ Patio spaces must be ADA accessible and have accessible seating, or ADA accessible seating must be provided on the sidewalk.
- ❑ Patio furnishings must not encroach the central walkway or block pedestrian access along the sidewalk.
- ❑ Only solar or battery powered tea or mood lighting on tabletops is permitted. No electricity may be strung between the patio and place of business. Flame candles are not permitted.
- ❑ Power generators cannot be placed in the patio spaces or sidewalks.
- ❑ Structures and platforms are not permitted.
- ❑ Floor coverings (e.g., synthetic turf) are not permitted.
- ❑ Patio furnishings must not damage the pavement, sidewalk, landscaping, lighting, street trees, or any other City property.
- ❑ Patio furnishings shall not be attached to or hung from light poles, sign posts, bus shelters or street trees.
- ❑ Banners or other elements shall not be placed on the patio barriers.
- ❑ Businesses must make good faith efforts to properly maintain the City installed patio barriers.
- ❑ City is not responsible for security (loss/theft) of any furnishings or merchandise.

Guidelines for Merchandise in Patios



Merchandise Display Guidelines

- ❑ Businesses shall provide layout of the space, and identify display materials when submitting outdoor patio license application.
- ❑ Display merchandise shall be representative of the merchandise displayed inside the retail establishment.
- ❑ If displaying merchandise on patio space, business owner shall comply with ADA requirements.
- ❑ Merchant vendors shall attractively display merchandise in a manner which calls attention to the offered products. Displays using card tables, cardboard cartons, plastic milk cases, or plywood boxes are unacceptable.
- ❑ All display stands must be removed every day in accordance with the approved hours of operation of the retail establishment.
- ❑ No electricity may be strung between the business and the patio space.
- ❑ Generators are not permitted on sidewalks or patio spaces.
- ❑ Any furnishings provided within the patio space shall comply with these guidelines/standards.

Guidelines for Outdoor Live Entertainment



Outdoor Live Entertainment

- ❑ Live entertainment in outdoor patios is permitted within the Pedestrian Mall program zone patios only as an ancillary activity to the outdoor dining or merchandise display.
- ❑ These design guidelines do not allow for live entertainment as an ancillary activity on private property. The use of private property for entertainment is solely governed by the Downtown Precise Plan where expressly authorized as a provisionally permitted use for entertainment or establishments providing entertainment.
- ❑ Businesses choosing to provide live entertainment shall include information in the patio license application and approved live entertainment will be included in the license agreement.
- ❑ Space for live entertainment shall not exceed 50 square feet in the licensed outdoor patio area.
- ❑ Not permitted on sidewalks.
- ❑ No amplified sound.
- ❑ Live entertainment restricted to 11am-8pm.
- ❑ No dance floors.
- ❑ All adult entertainment activities described in Mountain View City Code Sections 26.51, et seq. shall be strictly prohibited.
- ❑ Pursuant to City Code Section 26.35. et seq., an entertainment permit from Police Department may also be required.

Patio Furnishings

The permitted furnishings within the patio spaces are seating, umbrellas, heaters, trash cans and other amenities such as small planters, table-top lightings, etc.

All furnishings must be fully contained within the patio space. The requirements for each of the elements are further described in detail on the following pages.



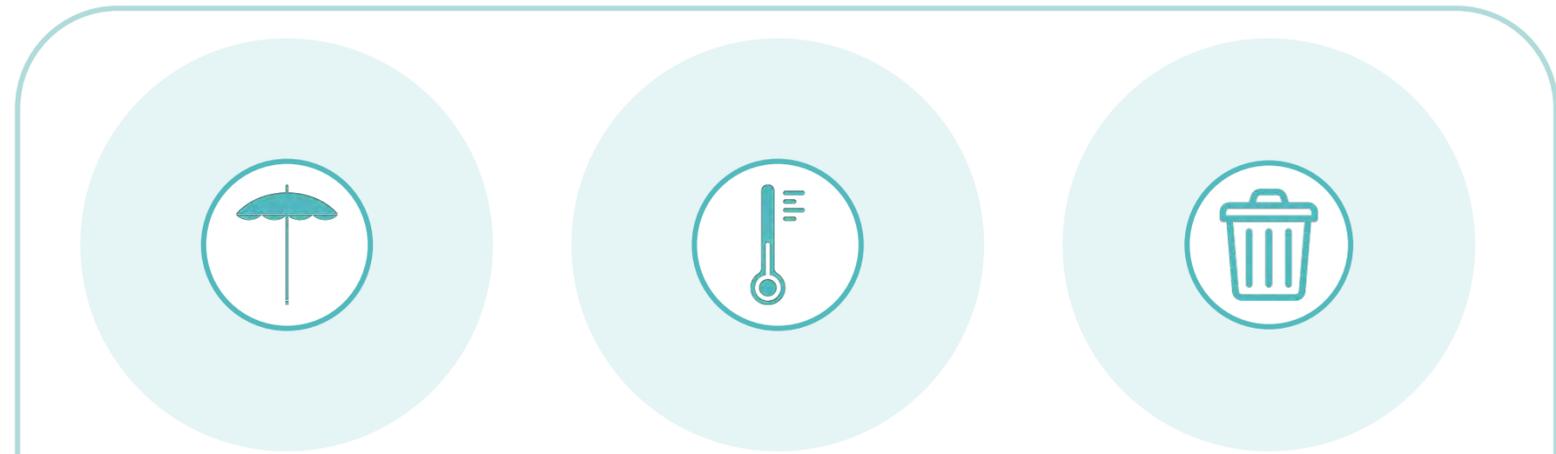
Seating
p-22

Signage
p-23

Accessibility
p-24

Other Amenities
p-25

* Umbrellas, portable heaters, and trash cans are only permitted on program zone and private property patios. These are not permitted on sidewalks.



Umbrellas*
p-26

Portable Heaters*
p-27

Trash Cans*
p-28

Patio Furnishings

– Seating

Seating shall adhere to the listed requirements.



For all patio layouts

Requirements



- ❑ All furniture shall be rated for commercial outdoor use – indoor furniture is not permitted for patios.
- ❑ If providing seating, business owners shall provide ADA compliant and accessible seating options. If the ADA furnishings are along the sidewalk, pedestrian access shall be maintained by providing a minimum of 8’ clearance on Castro Street and 6’ on cross streets.
- ❑ All furniture shall be properly maintained and cleaned regularly.
- ❑ Shall be easy to remove for special events and street cleaning.
- ❑ Businesses may choose style and color.

Patio Furnishings

– Signage

Signage is an optional element and must adhere to the listed requirements.



For all patio layouts

Requirements

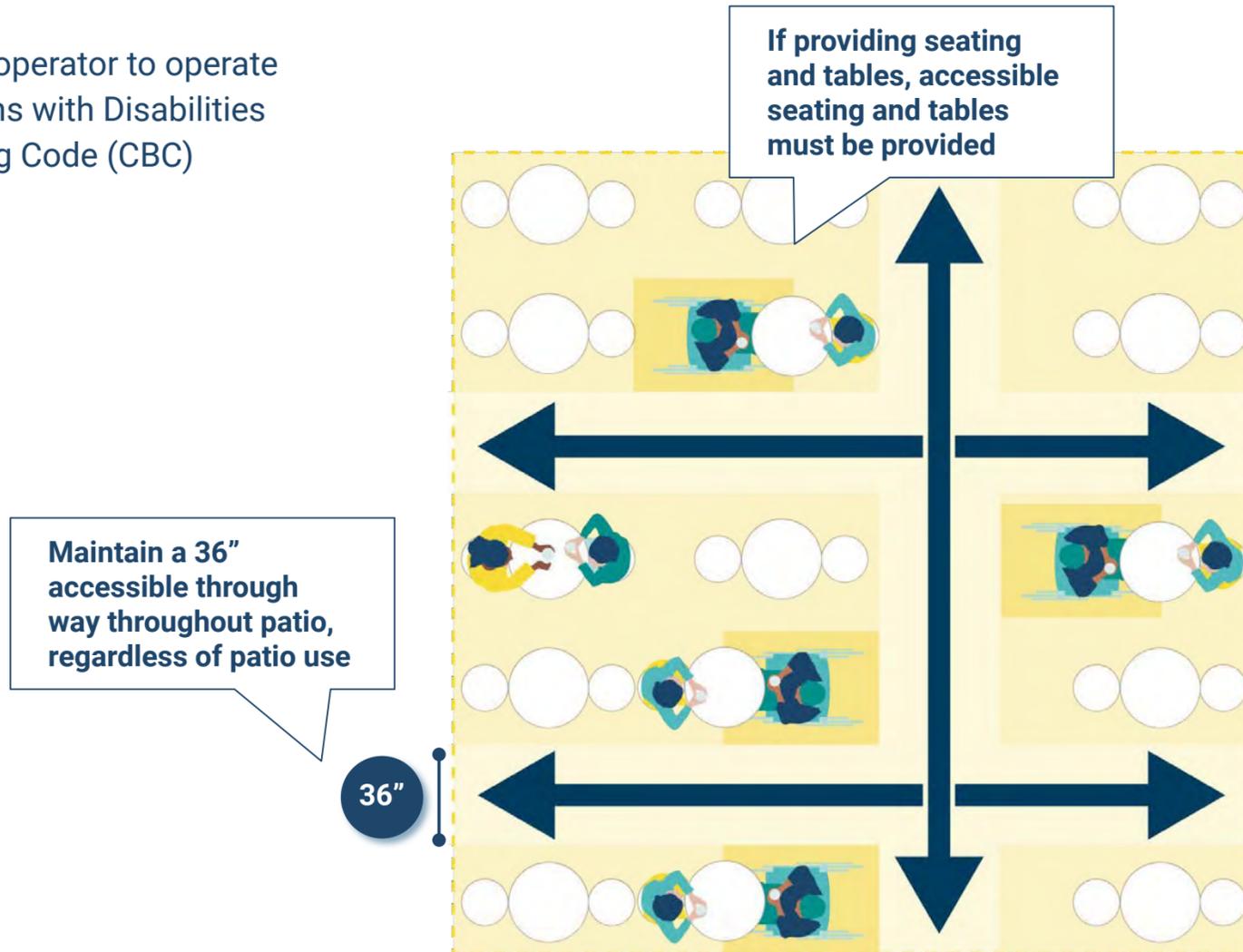


- ❑ Signage shall be consistent with Chapter 36, Article XII, Division 7 of the City Code - Sign Regulations for the Downtown Precise Plan. For reference purposes, these include the following:
 - ❑ A menu holder is permitted on the exterior storefront of a restaurant. The menu holder shall be limited to the size of two (2) pages of the menu utilized by the establishment. The menu holder shall be located so that it does not impede pedestrians on the public sidewalk. The menu holder shall not be used for additional business identification signage and lettering shall not exceed one (1) inch in height.
 - ❑ No “A” -frame signs, white boards, blackboards, or chalkboards are permitted.
 - ❑ Umbrellas may display the name of the business so long as the name does not exceed 6” in height. One business logo not to exceed 1 square foot is also permitted. The total umbrella signage shall not cover more that 10% of the area off each umbrella and shall contain no generic advertising (i.e., Cinzano, Perrier).
- ❑ A menu holder, such as a window box or wall panel mounted on the exterior storefront of a restaurant, is a permitted patio sign, requiring a City permit from Community Development Department.
- ❑ The menu holder shall be professionally constructed of high-quality and durable material, including, but not limited to, brushed or polished metal, glass, and sandblasted wood.

Patio Furnishings

– Accessibility

It is the responsibility of each patio operator to operate in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) standards.



Requirements

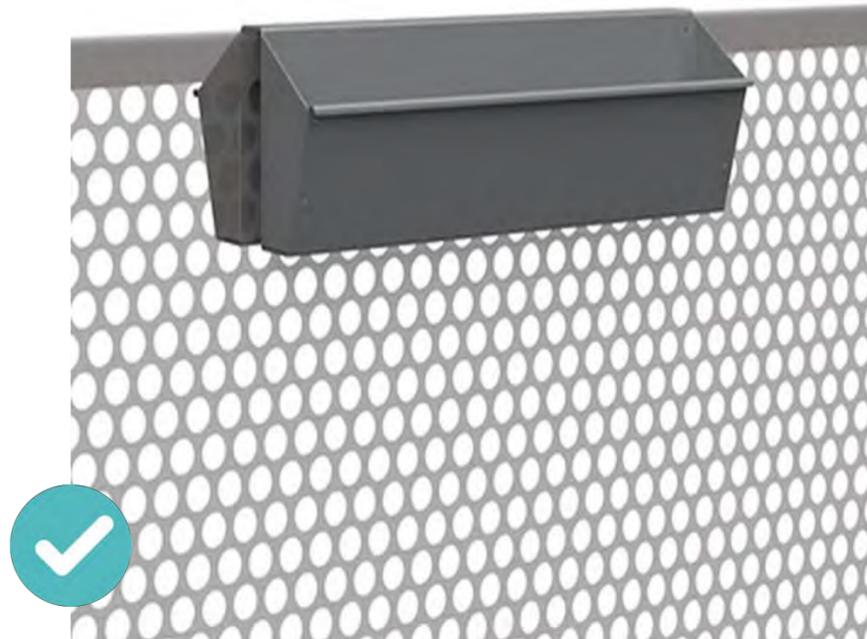


- ❑ Patio operators must operate in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code (CBC) standards.
- ❑ In a dining area, tables must be far enough apart that a person using a wheelchair can maneuver between the tables when patrons are sitting at them.
- ❑ Some accessible tables must be provided, dispersed throughout the dining area versus clustered in a single location.

Patio Furnishings

– Other Amenities

If businesses chose to provide other amenities such as planters, they must adhere to the listed requirements.



For all patio layouts

Requirements

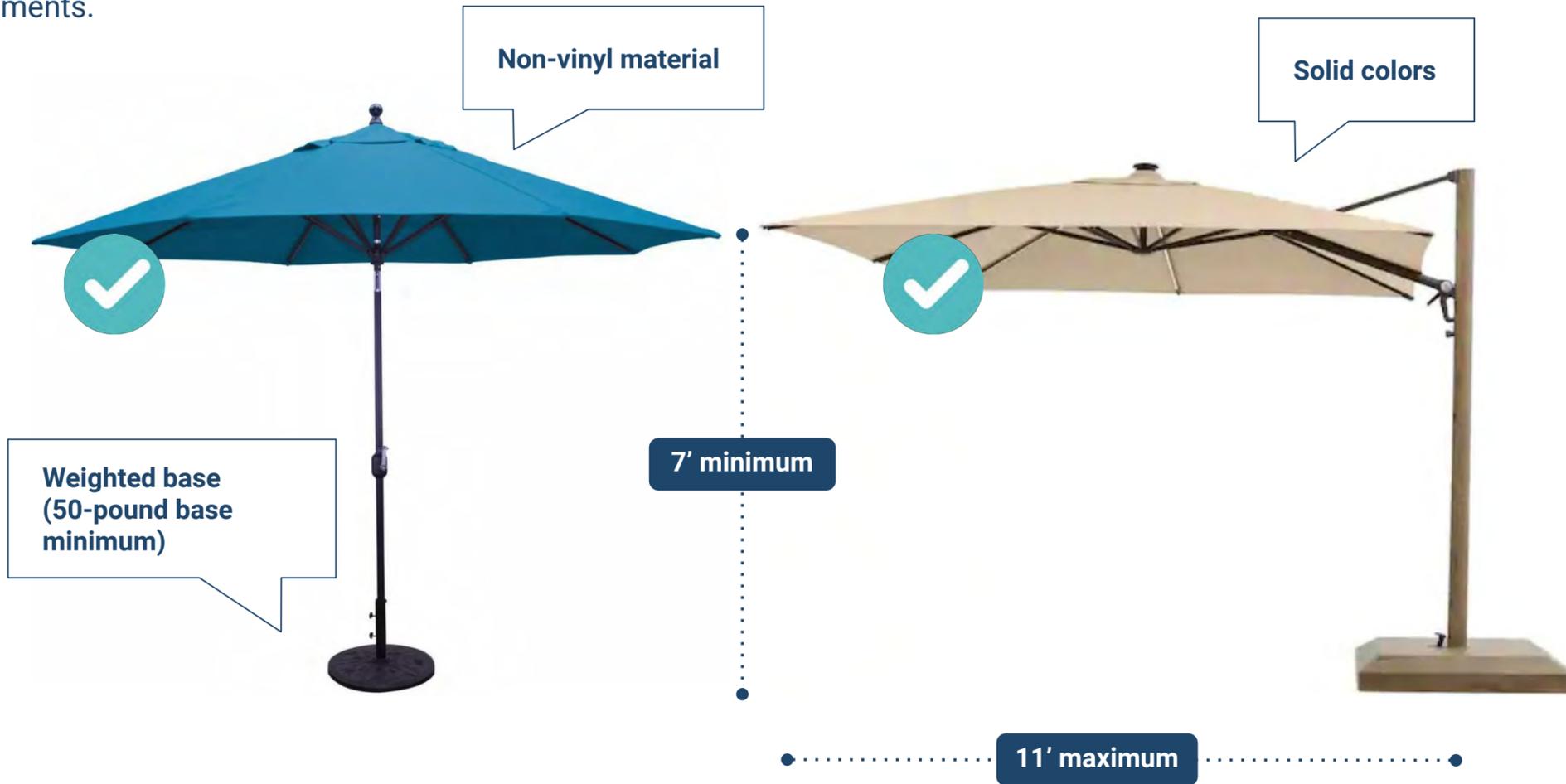


- ❑ If provided, shall be contained within the licensed patio area.
- ❑ Lights – solar or battery powered table-top lights only.
- ❑ Busing carts shall be emptied regularly, and brought inside the business establishment at the end of the business day.
- ❑ Planters shall be potted with live plants and flowers at all times.
- ❑ A variety of plant types are acceptable as long as the plants do not exceed 36” in height, measured from the pavement.
- ❑ Planters shall be easy to move and include a drip pan so as not to drain onto the street.
- ❑ Plants should be potted in the planter pots. Trash bins, plastic buckets, etc., shall not be repurposed for planter pots.
- ❑ Overhanging planters are allowed on patio barriers and should be within the patio space. Overhanging into the central walkway or sidewalk area is prohibited.

Patio Furnishings

– Umbrellas

Patio umbrellas are an optional element, restricted to program zone patios, and must adhere to the listed requirements.



Only for program zone and private property patios

Requirements

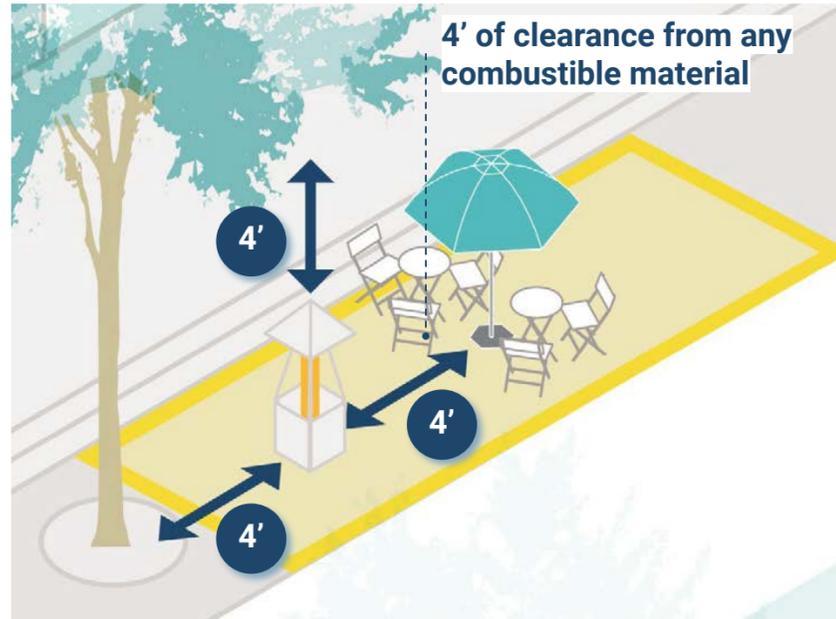


- ❑ Umbrellas shall be designed for outdoor commercial use and maintained in a clean manner.
- ❑ Shade structures with side panels or flaps or “tent-like” structures are prohibited.
- ❑ Umbrellas shall not be larger than 11' diameter.
- ❑ Umbrellas shall be weighted with a minimum 50-pound base weight and allow 7' height clearance. Bases shall be filled with water and not sand.
- ❑ Umbrellas shall not block sightlines through or along Castro Street.
- ❑ Umbrellas shall not extend past the patio footprint.
- ❑ Umbrellas shall be a solid color and made of non-vinyl fabric.
- ❑ Neon colored umbrellas are not permitted.

Patio Furnishings

– Portable Heaters

Heaters are subject to review and approval through the license approval process. Heaters are an optional element, and shall adhere to the listed requirements.



Only for program zone and private property patios

Requirements



- ❑ “Mushroom cap heaters,” “tungsten directional heaters,” “pyramid style heaters” and solar or battery powered electric heaters are permitted.
- ❑ Electric heaters shall be solar or battery powered; solar panels must not present safety hazard; generators cannot be used in the outdoor patios.
- ❑ No electricity may be strung between the business and the patio space.
- ❑ Patio heaters are not allowed within 4’ proximity of tree trunks, foliage, umbrellas, or other combustible materials, including vertical clearance.
- ❑ Businesses are responsible for properly storing propane fuel for heaters per existing City requirements.
- ❑ Propane tanks cannot be stored in the public right-of-way.
- ❑ Heaters must not block pedestrian access along Castro Street, sidewalks, or curb cuts.
- ❑ Heaters shall not create fire hazards.
- ❑ Heaters shall not be placed or extend past the patio footprint.



Patio Furnishings

– Trash Cans



Only for program zone and private property patios

Requirements



- ❑ Per Mountain View City Code Section 16.103, new trash receptacles shall be labeled and color-coded for recycling (blue), compost (green), and trash (gray or black). All containers shall be labeled with signage approved by City Solid Waste staff.
- ❑ **Businesses bussing customer waste:** shall not have outdoor trash cans and instead employees will bring all waste back-of-house to sort into trash, recycling, and compost containers.
- ❑ **Businesses not bussing customer waste:** shall have outdoor trash, recycling, and composting receptacles for customers to sort their waste into the appropriate containers. Outdoor containers shall:
 - ❑ Have lids and all 3 containers in the same location (not spread out) for easy access.
 - ❑ Always be kept clear of ADA access path.
 - ❑ Emptied by employees as frequently as needed to avoid overflow.
 - ❑ Be mobile and brought inside the business establishment at end of business day.
- ❑ Trash shall be properly disposed in compliance with local, state and federal laws. More information can be found on City website at MountainView.gov/recycle.

Maintenance & Operations

Patio operators must ...

Operating an outdoor patio is optional. However, if businesses chose to operate outdoors, the patio operator must meet the listed maintenance and operations guidelines.



Patio Operator Guidelines

- ❑ The patio operator shall maintain the Outdoor Patio in a clean and safe condition at all times, including properly disposing of all trash and water generated by the operation through their own business receptacles; and
- ❑ The patio operator shall comply with all applicable laws and local ordinances regarding the sale and service of food and beverages to the public, including the Alcohol and Beverage Control (ABC) requirements for serving alcohol; and
- ❑ The patio operator shall comply with ADA requirements; and
- ❑ The patio operator shall operate the Outdoor Patio in accordance with the terms of the Outdoor Patio License and these Outdoor Patio Standards/Guidelines.

