

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
REPEALING RESOLUTION NO. 18546 AND ALL SUBSEQUENT AMENDMENTS THERETO,
INCLUDING, BUT NOT LIMITED TO, RESOLUTION NOS. 18577, 18631, AND 18726, WHICH
SUSPENDED SIDEWALK CAFÉ PROGRAM REQUIREMENTS AND AUTHORIZED APPLICATION OF
THE CASTRO STREETS OUTDOOR DINING PROGRAM THROUGHOUT DOWNTOWN,
EFFECTIVE NOVEMBER 1, 2023

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, a majority of the existing sidewalk cafés are located within the established Pedestrian Malls, resulting in a need to revise the Sidewalk Café Program in order to continue to provide a consistent outdoor program throughout downtown, which includes 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 adoption of a resolution to adopt Outdoor Patio Standards/Guidelines that will regulate outdoor patios in the public right-of-way, including design elements for the Pedestrian Malls to achieve a more pedestrian-friendly plaza area, and for the public sidewalk to protect outdoor patio areas from ongoing pedestrian traffic; and

WHEREAS, concurrent with this Resolution, the City Council will consider an amendment to the Downtown Precise Plan that would continue to authorize outdoor dining and merchandise displays on private property adjacent to commercial/mixed-use uses in the Downtown Precise Plan area pursuant to a Development Review Permit and in conformance with the design guidelines of the Outdoor Patio Standards/Guidelines and make other minor amendments; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby repeals Resolution No. 18546 and all subsequent amendments thereto, including, but not limited to, Resolution Nos. 18577, 18631, and 18726, effective November 1, 2023.

NCW/6/RESO
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