

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
ESTABLISHING AN ENTERTAINMENT ZONE ON PORTIONS OF CASTRO STREET CONSISTENT WITH
SENATE BILL 969 AS CODIFIED IN BUSINESS AND PROFESSIONS CODE SECTION 25692

WHEREAS, the City of Mountain View is committed to supporting a vibrant and economically thriving Downtown; and

WHEREAS, Senate Bill 969 (2024) added Section 23039.5 to the California Business and Professions Code, authorizing any city, county, or city and county to enact an ordinance establishing an “entertainment zone; and

WHEREAS, Section 23039.5 of the Business and Professions Code defines “entertainment zone” as a zone created by a city, county, or city and county ordinance on or after January 1, 2025, that authorizes consumption of one or more types of alcoholic beverages on public streets, sidewalks, or public rights-of-way; and

WHEREAS, pursuant to Senate Bill 969, the City Council of Mountain View (“City”) desires to enact this Ordinance to establish an entertainment zone for the purpose of allowing licensees to sell beer, wine, and distilled spirits for off-site consumption in designated public spaces during certain hours for the purpose of attracting more Downtown visitors and boosting spending at local establishments; and

WHEREAS, the creation of entertainment zones is categorically exempt from the California Environmental Quality Act (“CEQA”) as a minor temporary use of land having negligible or no permanent effects on the environment pursuant to Cal. Code Regs. Tit. 14, Section 15304(e); and

WHEREAS, establishing a Downtown Entertainment Zone will enhance the success of City Special Events, support local businesses, increase economic activity, and create a community-friendly, lively atmosphere; now therefore,

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

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- 1.1 The State of California authorizes cities to create entertainment zones pursuant to Senate Bill 969 (2024), as codified in various sections of the Business and Professions Code (BPC).
- 1.2 In compliance with BPC section 25692, City staff have notified and received feedback from the Mountain View Police Department about (1) potential health and safety impacts that might be generated by the entertainment zone and strategies to

mitigate those impacts; and (2) the zone’s proposed boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers.

1.3 In compliance with BPC Sections 23357, 23358, and 23396, any restrictions on ABC licensee privileges on the exercise of off-sale privileges shall not apply to the removal of open alcoholic beverages from the licensed premises for consumption in an entertainment zone when such zone is activated; open containers can be carried and consumed within an activated entertainment zone.

1.4 The City Council now desires to adopt this ordinance to create new entertainment zones in Mountain View on the 100, 200, 300, 400, and 500 blocks of Castro Street, including the Civic Center Plaza and half-block portions of the cross streets West Dana Street, Villa Street, California Street, and Mercy Street.

SECTION 2. Definitions. For the purposes of this Ordinance, the following terms shall have the meanings ascribed thereto:

2.1 “Activation Notice” shall mean a notice containing the dates, Entertainment Zone Hours, and a description of which portions of the Entertainment Zone Boundary are being activated by the City.

2.2 “City Special Event” shall mean a City-planned, City-organized, or City-hosted outdoor event on Castro Street for which an Activation Notice has been issued, occurring between the dates of May 28, 2026 and October 31, 2027, activating some or all of the Entertainment Zone Boundary. A schedule of anticipated City Special Events will be maintained by the Community Development Department and made available to the public through the City’s website.

2.3 “Entertainment Zone Hours” shall mean the time period when the Entertainment Zone is activated for a City Special Event during which outdoor consumption of Permitted Beverages within the Entertainment Zone is authorized. Entertainment Zone Hours can include any time period between the hours of 8:00 a.m. and 11:00 p.m., on any day of the week including Sundays and City-observed holidays. Outdoor consumption of alcohol will be permitted within the activated Entertainment Zone Boundary so long as at least one licensee within the boundaries of the activated portion of the Entertainment Zone is permitted to sell alcoholic beverages during those hours for consumption on the premises. Hours of operation are subject to any additional limitations imposed by any California Department of Alcohol Beverage Control (“ABC”) regulation, permit, or license and by the Entertainment Zone Operations Manual.

2.4 “Entertainment Zone Boundary ” shall mean any single block of the 100, 200, 300, 400, and 500 blocks of Castro Street, including the Civic Center Plaza and half-block portions of the cross streets West Dana Street, Villa Street, California Street, and Mercy Street in Downtown Mountain View as shown on the map and description attached hereto as Exhibit "A" including all publicly owned property, public rights-of-way and

private property located therein, or any combination of blocks or half-block portions thereof as described in the City's Activation Notice. The boundaries of the Entertainment Zones may be amended from time to time by ordinance of the City Council.

2.5 "Entertainment Zone Operations Manual" is a City-maintained administrative document that sets additional operational rules for City Special Events, including approved container types and any event-specific hour restrictions. The Operations Manual will be available on the City's website.

2.6 "Permitted Beverages" shall mean the following types of alcoholic beverages permitted within the Entertainment Zone: 1. Beer; 2. Wine; and 3. Distilled spirits.

SECTION 3. Entertainment Zone Regulations. With respect to each City Special Event designated in accordance with the terms of this Ordinance, the following regulations shall apply within the Entertainment Zone Boundary and Hours designated for such City Special Events:

3.1 Activation procedures: The Community Development Director, or designee, may activate a City Special Event by transmitting an Activation Notice to all affected permit holders, business owners, and property owners within the Entertainment Zone Boundary at least 72 hours prior to a City Special Event, and by conspicuously posting a physical copy of the Activation Notice at City Hall. The City shall also post the Activation Notice on the City's website and, where practicable, at conspicuous locations within the Entertainment Zone Boundary, so that members of the public are informed of upcoming activations. For the purposes of this ordinance, transmittal shall include electronic means where an affected party has consented to electronic communications from the City.

3.2 Pause on Existing Permits within the Entertainment Zone Boundary. All permits issued pursuant to Mountain View City Code Section 15.16, for food vending, and 15.17, for mobile vendor permitting, for approved locations within the Entertainment Zone Boundary shall be paused during Entertainment Zone Hours. If any such permit holder peddles at alternative approved locations designated in the permit, the permit shall only be paused in part, as applied to the approved location within the Entertainment Zone Boundary, and shall remain in full force and effect as applied to the alternative approved location.

3.3 Prohibition on Outdoor Sales of Food and Beverage. The outdoor sale of any food or beverages to the public visible from any public street, sidewalk or public rights-of-way shall be prohibited, including alcoholic beverages, except food or beverages sold or distributed in the ordinary course of business at a location for which the City has issued a Certificate of Occupancy, Conditional Use Permit or other permit authorized by the Mountain View City Code.

3.4 Prohibition on Outdoor Sales of Merchandise. The outdoor sale or distribution of

Merchandise, used in its broadest sense and including commercial property or transaction(s) of every kind to the public visible from any public street, sidewalk or public right-of-way shall be prohibited, except merchandise sold or distributed in the ordinary course of business at a location for which the City has issued a Certificate of Occupancy, Conditional Use Permit or other permit authorized by the Mountain View City Code.

3.5 Prohibition on Mobile Unit Commercial Vending. Commercial vending from any "mobile unit," which includes any vehicle, truck, trailer, pushcart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, whether or not required to have a license to operate issued by the California Department of Motor Vehicles, is prohibited.

3.6 Prohibition on Mobile Advertising Displays. Mobile advertising including, but not limited to, signs on or attached to a "mobile unit" portable device or person, is prohibited. Notwithstanding the foregoing, buses, taxicabs, and other delivery vehicles that display advertising as a secondary use of the vehicle in the ordinary course of business, may travel on public streets designated for vehicular traffic within the Entertainment Zone to pick up and drop off passengers and goods.

3.7 Permits for Temporary Structures. No temporary structure shall be constructed, placed, occupied or used, including, but not limited to, temporary location of tents, canopies, umbrellas and air-supported, air-inflated and tensioned membranes on non-residential property unless it is approved by the City as part of the Entertainment Zone activation.

3.8 Suspension of Mountain View City Code Section 21.70. During all City Special Events, Mountain View City Code Section 21.70, which prohibits the consumption of alcoholic beverages in public places, is suspended within the Entertainment Zone Boundary during Entertainment Zone Hours.

3.9 This Ordinance shall supersede any valid City-issued use permit during a City Special Event where such use permit is within an activated Entertainment Zone Boundary. In the event of any conflict between the provisions of this Ordinance and any regulation, license, or rule promulgated by the ABC, ABC regulations, rules, or licenses, shall control.

SECTION 4. Compliance with Existing Federal, State and Local Laws. Nothing in this Ordinance modifies requirements to comply with existing federal, state, and local laws. This includes but is not limited to requirements to comply with state and federal laws related to sale or distribution of counterfeit merchandise. It also does not change requirements to comply with the City's local regulations, including but not limited to requirements to obtain permits for activities when required by the Mountain View City Code.

SECTION 5. Violations and Penalties.

5.1 Mobile Unit Commercial Vending Violations. Violations of the “Prohibition on Mobile Unit Commercial Vending” provision within the public right-of-way or in a park owned and operated by the City, are punishable by the administrative remedies authorized in Mountain View City Code Chapter 15.14.

5.2 Administrative Remedies. Except as otherwise prohibited by state law, violations of any other provision of this Ordinance by any person, firm, corporation, agent or employee thereof may be prosecuted as an administrative citation as set forth in Mountain View City Code Chapter 1, Article II. Each day that a violation is permitted to exist shall constitute a separate offense.

5.3 Other Enforcement Options. In addition to any other remedies herein, this Ordinance may be enforced by an injunction issued by the Superior Court upon any suit by the City. If any activity that constitutes a violation of this Ordinance also constitutes a violation of any state, federal, local, or common law, this Ordinance shall not be the exclusive remedy and shall not be deemed to abrogate any other rights and remedies that may exist under law.

SECTION 6. No Impact on Existing Prosecutions/Fees. The changes provided for in this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this Ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 7. Periodic Review of Entertainment Zone. The City Manager may schedule a periodic review by the City Council of the operations authorized by this Ordinance. The purpose of the City Council’s periodic review shall be to consider whether the public health, safety, convenience, or general welfare warrants amendments to the Ordinance prior to the termination date specified in Section 8. At least one periodic review shall occur between January 1, 2027, and April 30, 2027.

SECTION 8. Ordinance not codified. This Ordinance shall not be codified in the Mountain View City Code and shall terminate by operation of law on **November 1, 2027**.

SECTION 9. CEQA. Pursuant to California Code of Regulations section 15304(e), this ordinance is not subject to the California Environmental Quality Act (“CEQA”) because they involve only minor temporary use of land having negligible or no permanent effects on the environment.

SECTION 10. Severability. 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 11. Publication. Pursuant to Mountain View City Charter section 522, at least two (2) days prior to final adoption of this Ordinance, the City Clerk shall post the ordinance in three (3) prominent places in the City and publish in the City's official newspaper notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the ordinance are posted.

SECTION 12. Effective Date. Pursuant to Mountain View City Charter section 519, this Ordinance shall become effective thirty (30) days after the date of its adoption.

EXHIBIT A

Entertainment Zone Boundary

