

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 36, ARTICLES XVII, IX, XVI, IV, V, VI,  
AND VIII AND CHAPTER 19, ARTICLE VIII, OF THE MOUNTAIN VIEW CITY  
CODE RELATED TO SAFE PARKING AND EMERGENCY SHELTERS

WHEREAS, the City of Mountain View is committed to addressing the pressing issue of housing in our community; and

WHEREAS, the City of Mountain View has identified a significant need for emergency sheltering and temporary measures such as safe parking for vehicles; and

WHEREAS, the purpose of safe parking is to provide homeless individuals and families living in vehicles a temporary safe place to park overnight; and

WHEREAS, an ordinance regulating safe parking will provide a streamlined and transparent process to help facilitate safe parking programs; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on September 4, 2019 and reviewed all staff reports, public testimony, and environmental review on the Zoning Text Amendments and adopted a resolution recommending City Council approval of the Zoning Text Amendments, in addition to providing future recommendations for Council consideration;

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

Section 1. City Council Findings. The City Council finds and determines, at a duly noticed public hearing on September 24, 2019, that the following Zoning Text Amendments are consistent with the General Plan of the City of Mountain View based upon the following findings made pursuant to Section 36.52.55 of the City Code:

a. The Zoning Text Amendments are consistent with the General Plan because they align with the Land Use Mix, Distribution and Intensity (LUD 3.2.1) goal of a flexible mix of land uses where appropriate; and

b. The Zoning Text Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the proposed Safe Parking use establishes requirements to ensure health and safety criteria are met and compatibility with surrounding uses; and proposed Safe Parking and Emergency shelter uses are subject to review, with exception, through a nondiscretionary Conditional Use Permit and potential for a public hearing upon request to preserve the health, safety, and welfare of the community; and

c. The Zoning Text Amendments are internally consistent with Chapter 36 of the Mountain View City Code; and

d. The Zoning Text Amendments comply with the California Environmental Quality Act because adoption of the ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, which applies to the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use. Adopting the ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the ordinance because it can be seen with certainty that there is no possibility that the activity (parking overnight in existing parking lots and expansion of emergency shelters into additional zoning districts) may have a significant effect on the environment. The City considered whether the potential exceptions to the categorical exemption contained in Guidelines Section 15300.2 would apply to this approval and concluded they are not applicable. Use of existing parking lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged; it is not an unusual circumstance for a city to modify the hours of the existing facilities and, moreover, there is nothing unusual about the size or location of the existing parking lots at which temporary overnight safe parking could be allowed; the use of existing parking lots for overnight parking does not adversely impact scenic or historical resources; and the overnight parking ordinance does not entail hazardous sites as it relates to existing parking lots and little to no ground disturbance would result from the implementation of the ordinance.

Section 2. Chapter 36, Article XVII, Division 2, Section 36.60.19 of the Mountain View City Code is hereby amended to add the following definition:

**“Homeless.** As defined in 42 U.S.C. 11302.”

Section 3. Chapter 36, Article XVII, Division 2, Section 36.60.41 of the Mountain View City Code is hereby amended to add the following definition:

**“Safe parking.** Area of a site that provides homeless individuals and families living in vehicles a temporary safe place to park while accessing services to end their homelessness.”

Section 4. Chapter 36, Article IX, of the Mountain View City Code is hereby amended to add Division 22, to read as follows:

**“DIVISION 22. - SAFE PARKING**

**SEC. 36.32. - Safe parking.**

This section establishes standards for city review of safe parking in conformance with the city code and all applicable state laws.

**SEC. 36.32.05. - Applicability.**

a. **Required permits.** Safe parking sites, as defined in Sec. 36.60.41, shall not operate without approval of a valid nondiscretionary conditional use permit, unless an exemption applies, and police department permit, pursuant to Sec. 36.48 and Chapter 19.

b. **Locations.** Safe parking shall be permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables.

c. **Exemptions.** A nondiscretionary conditional use permit is not required for safe parking uses under the following circumstances. A police department permit issued pursuant to Chapter 19 of the city code shall still be required.

1. During a declared shelter crisis adopted by resolution of the city council pursuant to Government Code Sec. 8698 to 8698.4.

2. Safe parking operated on sites owned or controlled by the city.

**SEC. 36.32.10. - Standards.**

The following standards shall apply to all safe parking uses, except safe parking operated on sites owned or controlled by the city and shall be used as the criteria for determining whether to approve a nondiscretionary conditional use permit:

a. **Hours of operation.** Safe parking uses may only occur between the hours of 5:00 p.m. and 9:00 a.m. and when the parking lot is not in use by the primary use of the site, as applicable. If operation of the safe parking use is proposed during the operational hours of another use(s) on a site, it shall be demonstrated that adequate parking is maintained to serve all on-site uses.

b. **Number of vehicles.** At no time shall more than thirty (30) vehicles be used for safe parking.

c. **Expansion.** A safe parking use shall not be enlarged in size without review and approval of an amendment to the conditional use permit by the zoning administrator.

d. **Setbacks.** The designated safe parking area shall be located a minimum of twenty-five (25) feet from the property line of any abutting residentially zoned or used property.

e. **Ingress and egress.** The site shall maintain sufficient ingress and egress as determined by the chief building official.

f. **Emergency vehicle access.** The site shall maintain sufficient emergency vehicle access (EVA) for public safety as determined by the chief building official.

g. **Recreational vehicle clearances.** A minimum ten (10) foot clearance shall be maintained around each recreational vehicle (RV).

h. **Structures.** Structure(s) not already located on the site are prohibited, including, but not limited to, the use of lean-to's or pop-outs. No person shall be housed in tents or other temporary facilities.

i. **Lighting.** A minimum of one (1) footcandle lighting shall be provided in the designated safe parking area and shall not create light pollution on adjacent properties.

j. **Fences and walls.** Fences and walls are not permitted to secure or delineate safe parking uses on-site. Defensive materials such as barbed wire are prohibited.

k. **Facilities.** Restroom, water and trash facilities shall be provided, maintained and accessible to participants on the site during safe parking program hours.

l. **Waste disposal.** Black/grey water shall be properly disposed in accordance with a disposal plan submitted by the applicant.

m. **Stormwater pollution prevention.** The applicant shall comply with the submitted stormwater pollution controls and clean-up response plan to minimize and/or address the water quality impacts of litter and spills from the site.

n. **Electricity hookups.** Electricity hookups shall be prohibited.

o. **Police department permit.** The safe parking use shall, at all times during operation, maintain a valid police department permit pursuant to Chapter 19 of the city code.

#### **SEC. 36.32.15 - Application requirements.**

An application for safe parking shall include, but not be limited to, the following:

a. A site plan depicting the designated safe parking area, and restroom, water and trash facilities.

b. A black/grey water disposal plan.

c. A stormwater pollution control and spill response plan to reduce water quality impacts of litter and waste discharges at the site. Requirements of this plan include: (1) installation of controls, such as storm drain inlet protection and/or full trash capture devices; and (2) procedures for identifying, containing and managing litter and waste discharges.

d. Security procedures plan.

e. A neighborhood relations plan shall be provided, which shall include a contact phone number and e-mail for each safe parking facility location to address any complaints in a timely manner."

Section 5. Chapter 36, Article IX, Division 5, Section 36.28.20 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 36.28.20. - Child day-care facilities.**

This section establishes standards for city review of child day-care facilities, in conformance with state law, including the limitations on the city’s authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this chapter and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

a. **Small family day-care homes.** Permitted within any single-family residence located in a residential zone.

b. **Large family day-care homes.** This use is allowed within any single-family residence located in a residential zone subject to approval of a nondiscretionary conditional use permit per the provisions of Sec. 36.48.32. A nondiscretionary conditional use permit shall be granted if the zoning administrator determines that the proposed large family day-care home will comply with the standards in Subsection d.

c. **Child day-care centers.** Allowed in the zoning districts determined by Sec. 36.10.05 (Residential Zones), 36.18.05 (Commercial Zones), 36.20.05 (Industrial Zones), 36.22, 36.24, 36.24.35, 36.26 and 36.26.35 (Special Purpose Zones), subject to conditional use permit approval (Sec. 36.48), and the standards in following subsection d.

d. **Standards for child-care facilities.** Large family day-care homes and child day-care centers are subject to the following standards:

1. **Spacing/concentration.** No residential property shall be bordered on more than one (1) side by a child day-care facility.

2. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day-care home may serve as its drop-off area. Adequate drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or does not create circulation problems in parking lots.

3. **Adjacent uses.** The proposed site shall not be located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.

4. **Outdoor play areas.** Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.

5. **Development review approval.** Development review approval shall be required as provided in City Code Sec. 36.44.45.”

Section 6. Chapter 36, Article XVI, Division 6 of the Mountain View City Code is hereby amended to add Section 36.48.32 and shall read as follows:

**“SEC. 36.48.32. - Nondiscretionary conditional use permits.**

a. The zoning administrator may approve a nondiscretionary conditional use permit for large family day care and safe parking uses. A nondiscretionary conditional use permit shall evaluate the uses based on the standards listed in Sec. 36.28.20 and Sec. 36.32.10 and shall be issued if the zoning administrator determines that the proposed use complies with the standards subject to the findings listed in Sec. 36.48.25.

b. Public noticing for nondiscretionary conditional use permits shall require a mailed public notice to all property owners and tenants within seven hundred fifty (750) feet of the site a minimum of fourteen (14) days prior to the date of zoning administrator’s decision on the permit. No public hearing shall be held unless requested in writing by the applicant or other affected person prior to a decision on the permit.”

Section 7. Chapter 36, Article IX, Division 10, Section 36.28.70 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 36.28.70. - Applicability.**

Emergency shelters shall be permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables and shall comply with the following standards:

a. **Property development standards.** The shelter shall conform to all property development standards of the zoning district.

b. **Management.** The shelter shall have twenty-four (24) hour, professional on-site management.

c. **Security.** The shelter shall have on-site security and/or security cameras.

d. **Lighting.** The shelter shall have adequate outdoor lighting for security purposes.

e. **Length of stay.** The shelter shall be available to residents for thirty (30) days. Extensions up to a total of one hundred eighty (180) days may be provided by the on-site manager if no alternative housing is available.

f. **Maximum number of persons/bed.** The shelter shall contain a maximum number of one hundred fifty (150) beds and shall serve no more than one hundred fifty (150) homeless persons.

g. **Waiting and intake areas.** The shelter shall have a private area to receive clients.

h. **On-site parking.** The shelter shall provide for thirty-five-hundredths (0.35) parking space per individual bed plus one (1) additional space per employee.

i. **Common facilities.** The shelter may provide one (1) or more of the following specific facilities for the exclusive use of the residents and staff:

1. Central cooking and dining room.
2. Recreation room.
3. Counseling center.
4. Child-care facilities.
5. Laundry facilities.
6. Other support services."

Section 8. Chapter 36, Article IV, Division 2, Section 36.10.05 of the Mountain View City Code is hereby amended to read as follows:

**"DIVISION 2. - LAND USES**

**SEC. 36.10.05. - Residential zone land uses and permit requirements.**

The uses of land allowed by this chapter in each residential zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review where required and parking requirements, and subject

to obtaining any building permit or other permit required by the city code (“P” uses on the tables).

- b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).
- d. Allowed subject to approval of a planned unit development permit (“PUD”) (Sec. 36.46.70).
- e. Allowed subject to approval of a mobile home park permit (“MHPP”) (Sec. 36.48.35).

Land uses that are not listed on the table for a particular zoning district are not allowed in that district, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses), or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

#### LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

**NOTE:** Where the last column on the following tables (“see section”) includes a section number, the regulations in the referenced section apply to the use and/or a specific definition; however, provisions in other sections may apply as well.

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Residential						
Accessory Dwelling Unit	P					36.12.60
Duplexes		P	P		P	36.10.40
Home Occupations	P	P	P	P	P	36.28.75
Mobile Home Parks				MHPP		36.12.15
Manufactured Housing	P	P	P	P	P	36.12.30
Mobile Home, Single	P	P	P	P	P	36.12.30
Multiple-Family Housing		CUP	P		P	For R3 District: 36.10.60 and For R4 District: 36.12
Accessory Uses and Structures	P	P	P	P	P	36.12.35
Residential Care Home, 7+ clients	CUP	CUP	CUP	CUP	CUP	

Residential Care Home, 0–6 clients	P	P	P	P	P	
Rooming and Boarding Houses	CUP	CUP	CUP	CUP	CUP	
Rooming and Boarding, 2 persons maximum	P	P	P	P	P	36.10.85
Senior Care Facility	CUP	CUP	CUP		CUP	
Senior Congregate Care Housing		CUP	CUP		CUP	
Single-Family Housing	P	P	P	P	P	36.10.10
Small-Lot Single-Family Housing		PUD	PUD		PUD	36.16
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Townhouses		PUD	PUD		PUD	36.16.10
Rowhouses		PUD	PUD		PUD	36.16.20
Uses Not Named But Similar to Listed Uses	CUP	CUP	CUP	CUP	CUP	
<b>AGRICULTURAL</b>						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g
<b>RECREATION, EDUCATION, ASSEMBLY</b>						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	

LAND USE						
Recreational Vehicle (RV) Parks				CUP		
Safe Parking <sup>1</sup>	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	
<b>SERVICES</b>						
Cemeteries, Columbariums (with Church)	CUP	CUP	CUP	CUP	CUP	36.28.15
Medical Services, Extended Care			CUP	CUP	CUP	
Offices, Property Management		CUP	P	P	P	
Offices, Temporary Real Estate	TUP	TUP	TUP	TUP	TUP	36.46
Parking Lots, Not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	36.46

KEY TO PERMIT REQUIREMENTS		See Section
Permitted Use, Zoning Compliance Required (Development Review may also be required)	P	36.44 and 36.44.45
Conditional Use, Conditional Use Permit Required	CUP	36.48
Planned Unit Development, PUD Permit Required	PUD	36.46.70
Temporary Use, Temporary Use Permit Required	TUP	36.46
Mobile Home Park, Mobile Home Park Permit Required	MHPP	36.48.35
Use Not Allowed"		

<sup>1</sup> Safe parking shall only be allowed on sites used for, and in conjunction with, the following uses in residential zones: churches; community centers; membership organization facilities; and schools, public and private.

Section 9. Chapter 36, Article V, Division 2, Section 36.18.05 of the Mountain View City Code is hereby amended to read as follows:

**“DIVISION 2. - LAND USES**

**SEC. 36.18.05. - Commercial zone land use permit requirements.**

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the city code (“P” uses on the tables). Per Sec. 36.44.45, development review approval is required for changes from one (1) permitted use to another, including changes in property or building use that involve exterior modifications or change the development’s required parking.

b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).

d. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

**LAND USES AND PERMIT REQUIREMENTS BY COMMERCIAL DISTRICT**

**NOTE 1:** Where the last column on the following tables (“See Section”) includes a section number, there are specific regulations and/or a specific definition in the referenced section that apply to the use; however, provisions in other sections may apply as well.

**NOTE 2:** Changes from one (1) permitted use to another require development review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<b>MANUFACTURING AND PROCESSING</b>					
Food Products		P			36.60.15
Furniture and Fixtures		P			
Laundry and Dry Cleaning Plants		P			
Printing and Publishing		P			
Recycling – Reverse Vending Machines	CUP	CUP	CUP	CUP	36.60.39
Recycling – Small Collection Facility	CUP	CUP	CUP	CUP	36.60.39
Wholesaling and Distribution		P			36.60.49
<b>RECREATION, EDUCATION, PUBLIC ASSEMBLY</b>					
Adult Entertainment Establishments				CUP	36.28.10
Child Day-Care Facilities	CUP	CUP	CUP	CUP	36.28.20
Churches	CUP		CUP	P	
Community Centers	CUP		CUP	CUP	
Indoor Recreation and Fitness Centers	CUP	CUP		P	
Libraries and Museums	CUP		CUP	CUP	
Membership Organization Facilities and Meeting Halls			CUP	CUP	
Outdoor Commercial Recreation				CUP	
Pool and Billiard Rooms				CUP	
Public Schools	CUP	CUP	CUP	CUP	
Private Schools	CUP		CUP	CUP	
Schools – Specialized Education and Training	CUP	CUP	CUP	CUP	
Studios for Dance, Art, Music, Photography, Martial Arts, Etc.	CUP	CUP	CUP	P	
Theaters				CUP	
<b>RESIDENTIAL</b>					
Efficiency Studios				CUP	36.28.40
Emergency Shelters	CUP	CUP	CUP	CUP	36.28.60

Home Occupations				P	36.28.75
Multi-Family Housing, Townhouses, Rowhouses or Mixed-Use Commercial/Housing				CUP	36.18.50
Residential Accessory Use Structures				P	36.12.35
Safe Parking	CUP	CUP	CUP	CUP	36.32 and Chapter 19
<b>RETAIL TRADE</b>					
Accessory Retail Uses	P	P	P	P	36.28.05
Auto, Mobile Home, Trailer and Boat Sales		P		CUP	36.30.25
Bars and Drinking Places		CUP		CUP	
Building Material Stores (Not Including Concrete)		P		CUP	
Certified Farmer's Markets				CUP	
Drive-In and Drive-Through Sales	CUP	CUP		CUP	36.28.30
Fuel and Ice Dealers		P		CUP	
Furniture, Furnishings and Home Equipment Stores		CUP		P	
Grocery Stores	P	CUP		P	
Liquor Stores	CUP			P	
Outdoor Merchandise and Activities		CUP		CUP	36.28.95
Outdoor Retail Sales, Temporary	TUP	TUP	TUP	TUP	36.46
Restaurants Serving Liquor, with Entertainment				CUP	
Restaurants Serving Liquor, without Entertainment	CUP	CUP		P	
Restaurants with or without Beer and Wine	P	CUP		P	
Restaurants, Take-Out	P	CUP		P	
Retail Stores, General Merchandise	P	CUP		P	36.60.39
Second Hand Stores		CUP		CUP	

Shopping Centers	P			CUP	36.60.41
Significant Tobacco Retailer				CUP	36.30.20 and 36.30.30
Warehouse Retail Stores		CUP			36.30.40
<b>SERVICES</b>					
Animal Service Establishments	CUP	CUP	CUP	CUP	36.30.35
Automatic Teller Machines (ATMs)	P	P	P	P	
Banks and Financial Services	P		P	P	
Business Support Services		P		P	36.60.07
Cannabis Business, Nonstorefront Retail		CUP			36.30.55, 36.60.03 and Chapter 9
Cemeteries, Columbariums and Mortuaries			CUP	P	36.28.15
Commercial Parking Lots		CUP		CUP	
Contractors Equipment: Storage, Sales or Rental		P			
Drive-In and Drive-Through Services	CUP	CUP	CUP	CUP	36.28.30
Hotels and Motels				CUP	36.18.50
Plant Nursery		P		CUP	
<b>MEDICAL SERVICES</b>					
Medical Services – <3,000 Square Feet	P		P	P	36.60.29
Medical Services – 3,000 to 20,000 Square Feet	CUP		P	P	36.60.29
Medical Services – >20,000 Square Feet			CUP	CUP	36.60.29
Medical Services – Hospitals and Extended Care			CUP	CUP	36.60.29
<b>OFFICES</b>					
Offices	CUP	P	P	P	CN District: 36.18.15 b CS District: 36.18.20
Administrative and Executive			P	P	

Research and Development/Light Testing and Assembly		P		CUP	CS District: 36.18.20 CRA District: 36.18.25
Personal Services	P	CUP		P	36.60.35
Public Safety and Utility Facilities	CUP	P	CUP	CUP	
Repair and Maintenance – Consumer Products	P	P		P	36.60.39
Repair and Maintenance – Vehicle, Major Work		P			36.30.25, 36.60.39 and Chapter 39
Repair and Maintenance – Vehicle, Minor Work		P		CUP	36.30.25, 36.60.39 and Chapter 39
Service Stations	CUP	CUP		CUP	36.30.15
Storage, Accessory	P	P	P	P	36.60.41
Tow Yards		CUP			
Electrical, Plumbing and Carpenter Shops		P			
Warehousing		P			
<b>TRANSPORTATION AND COMMUNICATIONS</b>					
Pipelines and Utility Lines	P	P	P	P	
Transit Stations and Terminals		CUP		CUP	
Vehicle Storage		P			36.60.47
<b>OTHER USES</b>					
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	CUP	CUP	36.18.05.d

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	36.44.45
Conditional use, Conditional Use Permit required	CUP	36.48
Temporary use, Temporary Use Permit required	TUP	36.46
Use not allowed		(Blank)
See Article XVII for definitions of land uses”		

Section 10. Chapter 36, Article VI, Division 2, Section 36.20.05 of the Mountain View City Code is hereby amended to read as follows:

**“DIVISION 2. - LAND USES**

**SEC. 36.20.05. - Industrial zone land use permit requirements.**

The uses of land allowed by this chapter in each industrial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the city code (“P” uses on the tables). Per Sec. 36.44.45, development review approval is required for changes from one (1) permitted use to another, including changes in property or building use that involve exterior modifications or change the development’s required parking.

b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).

d. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

**LAND USES AND PERMIT REQUIREMENTS BY INDUSTRIAL DISTRICT**

**NOTE 1:** Where the last column on the following tables (“See Section”) includes a section number, there are specific regulations in the referenced section that apply to the use and/or a specific definition of the use; however, provisions in other sections may apply as well.

**NOTE 2:** Changes from one (1) permitted use to another require development review approval.

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	See Section
<b>MANUFACTURING AND PROCESSING</b>			
Assembly or Packaging of Previously Prepared Materials (i.e., Cloth, Plastic, Paper, Leather, Precious or Semiprecious Metals/Stones)	P		
Experimental, Film or Testing Laboratories	P		
Food Products	P		36.60.15
General Manufacturing, Including Processing and Assembly		P	
Industrial Controls, Motors, and Generators		P	
Instruments for Measurement, Testing, Analysis and Control		P	
Manufacture of Electric and Electronic Instruments and Devices (i.e., Television, Radio and Phonographic Equipment)	P	P	
Optical Instruments and Lenses		P	
Pharmaceuticals	P		
Photographic Equipment and Supplies		P	
Primary Production of Wood, Metal or Chemical Products from Raw Materials or Any Use Listed as a Conditional Use in the ML District	P		
Printing, Publishing and Lithography	P		
Processing of Products, Assembly or Creation of Machinery, Apparatus and Supplies for the Generation, Storage, Transmission and Use of Electrical Energy and Related Industries		P	
Semiconductor Fabrication		P	
Telephone Apparatus		P	
Wholesaling and Distribution	P	P	36.60.49, ML District: 36.20.15 a.2

<b>RECREATION, EDUCATION AND PUBLIC ASSEMBLY</b>			
Educational, Public or Quasi-Public	CUP	CUP	MM District: 36.20.20.a.2
Child-Care Center	CUP	CUP	36.28.20, 36.20.10.g
Churches	CUP	CUP	36.20.10.e
Membership Organization Facilities and Meeting Halls, Public Halls	CUP	CUP	
Recreational, Public or Quasi-Public	CUP	CUP	MM District: 36.20.20.a.2
<b>RETAIL TRADE</b>			
Drive-In and Drive-Through Services	CUP	CUP	36.28.30, 36.20.10.f
Restaurants without Beer and Wine	P	CUP	36.20.10.b, ML District: 36.20.15.a.1
Restaurants Serving Liquor, without Live Entertainment	P	CUP	36.20.10.b
Restaurants Serving Liquor, with Live Entertainment, Dancing	CUP	CUP	36.20.10.b
Retail Stores, General Merchandise	CUP	CUP	36.60.39 and 36.20.10.c
Warehouse Retail	CUP	CUP	36.20.10.d and 36.30.40
<b>TRANSPORTATION AND COMMUNICATION</b>			
Public and Quasi-Public Utility and Services	CUP	P	
Service Station	CUP	CUP	36.30.15
<b>SERVICES</b>			
Animal Service Establishments		CUP	36.30.35
Auto Wrecking Yard		CUP	36.60.23
Business Support Services		CUP	36.60.07
Cannabis Business, Nonstorefront Retail	CUP	CUP	36.30.55, 36.60.03 and Chapter 9
Concrete Mixing and Asphalt Mixing Yards		CUP	

Data Centers	P	P	ML District: 36.20.15.a.2
Junk Yard, Auto Wrecking Yard, Tow Yard		CUP	36.60.23
Office			36.60.33, MM District: 36.20.20.a.1
Administrative and Executive	P	CUP	
Financial	P	CUP	
Research and Development	P	CUP	MM District: 36.20.20.a.3
Personal Storage Facility		P	36.60.35
Repair and Maintenance – Vehicle, Minor Repair		CUP	36.30.25, 36.60.39 and Chapter 39
Repair and Maintenance – Vehicle, Major Repair		CUP	36.30.25, 36.60.39 and Chapter 39
Storage		P	
Warehousing	P	P	ML District: 36.20.15.a.2
<b>Other Uses</b>			
Crop, Tree Farming, Livestock	P	P	36.20.10.a
Emergency Shelters	CUP	P	36.28.60
Safe parking	CUP	CUP	36.32 and Chapter 19
Railroad Yards, Freight Stations, Trucking and Motor Freight Stations		P	
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and development review required	P	36.44.45
Conditional use, conditional use permit required	CUP	36.48
Temporary use, temporary use permit required	TUP	36.46
Use not allowed		(Blank)
See Sec. 36.60.03 for definitions of land uses"		

Section 11. Chapter 36, Article VIII, Division 2, Section 36.24.55 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. 36.24.55. - Conditional uses.**

a. Private schools and public schools intended to serve a broader population than the immediately surrounding neighborhood.

b. Any other public and quasi-public buildings and the uses of a recreational, educational, religious, cultural or public service type, not specifically mentioned above, including public utility buildings, structures and uses; but not including corporation storage or repair yards, warehouses and similar uses unless the adjacent zoning is industrial.

c. Temporary private and quasi-public office and studio uses of low-intensity, providing space for artists, dance, music, or theater and low-intensity private office use, with adherence to the following guidelines:

1. Usage shall be conducted in existing buildings or facilities, and no major renovation of the facilities or new building construction shall be permitted.

2. Private uses shall be low-intensity, involving little public interaction, minimum traffic generation, and general compatibility with surrounding uses.

3. Approval shall be limited to a maximum of five (5) years, subject to renewal with application.

4. No additional parking or major modification of the parking facilities is needed in order to accommodate the use.

5. Outside activity producing noise or visual problems shall be limited, and there shall be no outside storage of any materials.

6. Public events, including sale of items made on the premises, shall be limited and specified within the conditional use permit.

7. The continued maintenance and availability of open lands for public use shall be assured.

d. Child-care centers that do not comply with the standards in Sec. 36.24.45.g.

e. Emergency shelters in compliance with Sec. 36.28.60.

f. Safe parking in compliance with Sec. 36.32 and Chapter 19.”

Section 12. Chapter 19, Article VIII, Division 7 of the Mountain View City Code is hereby added to read as follows:

**“DIVISION 7. - SAFE PARKING**

**SEC. 19.105. - Definitions.**

a. “Safe parking provider” shall mean an agency or organization licensed or supervised by a federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency.

b. “Case management services” shall mean arranging and coordinating care and services for the safe parking program participant.

c. “Police chief” shall mean the police chief or designee.

d. “Fire chief” shall mean the fire chief or designee.

e. “Family” shall mean one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or legal guardian, or the designee of such parent or legal guardian with the written permission of such parent or guardian.

f. “Senior” shall mean a person aged fifty-five (55) years or older.

**SEC. 19.106. - Permit required; Authority of the police and fire chiefs.**

a. Safe parking, as defined in Sec. 36.60.41 of the city code, shall obtain a safe parking permit from the police chief, except for safe parking operated on sites owned or controlled by the city, which shall be exempt from the requirements set forth in this division.

b. After an applicant obtains: (1) a valid nondiscretionary conditional use permit pursuant to Chapter 36 of the city code from; or (2) confirmation the safe parking program is allowed at the site location and exempt from a conditional use permit pursuant to Chapter 36, Sec. 36.32.05 c., by the community development department, safe parking program applicants shall:

(1) File a written application with the police chief, on a form provided by the city, which contains information as required by the police chief to operate a safe parking program.

(2) If a safe parking program is exempt from a nondiscretionary conditional use permit, the application requirements included in Sec. 36.32.15 of the city code shall be submitted as part of the written application filed with the police chief pursuant to this Section.

c. The police chief and/or fire chief shall have the authority to and may request inspection of the safe parking site to ensure compliance with city code requirements. Failure to allow the police chief or fire chief to inspect the safe parking program consistent with and to administer the provisions of this Chapter may result in the suspension or termination of the safe parking program permit in accordance with Sec. 19.110.

**SEC. 19.107. - Permit issuance and renewal.**

a. The police chief shall issue a permit on submitted applications that meet the requirements set forth in Sec. 19.106. The applicant shall pay the city a nonrefundable fee, in an amount established by council resolution, at the time of filing the application.

b. Permits shall be valid for up to one (1) year unless suspended or revoked sooner as set forth in this Chapter.

c. Prior to issuance of a permit, the police chief and fire chief shall inspect the safe parking program site for compliance with the safe parking program requirements. Failure to allow the police chief or fire chief to inspect the safe parking program shall result in a denial of the safe parking program permit.

d. No person shall assign or transfer a safe parking program permit issued under this Chapter.

e. Renewal of permits shall be applied for and acted upon in the same manner as the process for issuance of a new permit.

f. The police chief shall grant or deny the application within thirty (30) business days of the applicant's submission.

g. The police chief shall give written notice to the applicant by mail or in-person delivery. If the application is denied, the notice shall advise the applicant of the reasons for the denial and his/her right to appeal the decision of the police chief through the procedures set forth in Subsection h below.

h. Appeal of a denial of an application shall be made to the city manager through the following procedures:

(1) **Request for appeal hearing.** The applicant shall file a written request for an appeal hearing, which states the specific grounds on which the decision of the police chief to deny the application is contested, with the city manager's office within five (5) business days of the delivery of the police chief's decision to the applicant at the most recent home or business address on file with the police department or within ten (10) business days of service of the police chief's decision by United States mail.

(2) **Notice of time and place of hearing.** Upon receipt of a timely request for an appeal hearing, the police chief shall notify the applicant in writing of the date, time and place of the hearing before the city manager, which shall not be less than five (5) business days after the service of such written notice on the applicant by in-person delivery at the most recent home or business address on file with the city or ten (10) business days after the deposit of the notice in an envelope addressed to the applicant by United States certified mail.

(3) **Hearing before city manager.** At the hearing, both the applicant and the police chief shall have the right to appear and be represented by counsel, and to present evidence and arguments relevant to the grounds on which the decision to deny the application is appealed. The burden of proof shall be on the applicant to show that he/she meets the application requirements.

(4) **Decision of city manager.** Within ten (10) business days of the hearing, the city manager shall issue a written decision which states whether the decision to deny the application is upheld or reversed and the reasons for this determination. The decision shall be served upon the applicant by in-person delivery or mail. The decision of the city manager shall be final.

**SEC. 19.108. - Safe parking requirements.**

Safe parking programs shall comply with the following:

- a. The standards set forth in Chapter 36, Sec. 36.32.10 of the city code shall apply regardless of whether a nondiscretionary conditional use permit is required.
- b. All propane tanks must be securely fastened to a recreational vehicle's propane tank mounting bracket.
- c. Fire extinguishers (minimum size of 2-A:10-B:C) shall be mounted and visibly accessible within a seventy-five (75) foot distance of any occupied area.
- d. Fires of any kind shall be prohibited. Cooking and food preparation (barbecues, etc.) outside the vehicle is prohibited. Use of cooking equipment is allowed inside the vehicle so long as the cooking equipment is constructed as part of the recreational vehicle and has not be modified or altered. Propane or other combustible materials shall be prohibited except to the extent used in conformance with the recreational vehicle's manufacturer's approved and commercially installed cooking appliance.
- e. Cooking in passenger cars is prohibited.
- f. No rent shall be received for this overnight parking lot use.
- g. A smoke/carbon monoxide detector is required for RVs.
- h. All personal property shall be stored inside the vehicle.
- i. Vehicles that leak domestic sewage, as defined in Sec. 35.29 of the city code, or other waste fluids or solids, or other fluids (including, but not limited to, gasoline, transmission or radiator fluid or engine oil), excluding potable water, are prohibited.
- j. Vehicles shall be parked within the designated parking area.
- k. Audio, video, generator or other amplified sound that is audible outside the vehicles parked in the safe parking program is prohibited.
- l. Buildings on the site must be secure from trespassing, and property owners participating in safe parking will have signed a waiver for trespassing arrests.

**SEC. 19.109. - Performance requirements.**

a. **Safe parking provider.** A safe parking program shall be managed and monitored by a qualified safe parking provider subject to the approval of the city manager's office. The safe parking provider shall provide case management services.

b. **Authorized vehicles only.** The safe parking provider shall ensure that only vehicles registered in the program are parked overnight during program hours and shall issue a parking permit to all participants to be displayed in vehicle windows at all times when parked in the safe parking lot.

c. **Participant information.** At all times, the safe parking provider shall maintain a roster of the names and vehicle license numbers of each participant who is authorized to park overnight.

d. **Participant preferences.**

(1) A safe parking program provider shall develop a preference list to award available parking spaces with the following preferences:

(a) First preference shall be given to families with students enrolled in a school district school within Mountain View.

(b) Second preference shall be given to those who: (1) had, within the past five (5) years from adoption of this provision, a legal address or resident address for purposes of voter registration in the City of Mountain View; or (2) work in Mountain View.

(c) Third preference shall be given to seniors.

(d) Fourth preference shall be given to a person with a disability under the Americans with Disabilities Act.

e. **Written agreement with participants.** Only participants who have entered into a written agreement with a safe parking provider shall be allowed to use parking spaces overnight.

f. **Participant agreement requirements.** An agreement between the safe parking provider and participant shall include, but not be limited to, the following terms and conditions:

(1) Only one (1) vehicle is allowed per participant.

(2) The vehicle shall be registered and lawfully possessed by the participant.

(3) Participants shall possess a valid driver's license, vehicle insurance and a working vehicle capable of being driven on and off the safe parking site at all times.

(4) Participants shall complete an assessment and participate in case management services.

(5) Participants shall not use or possess on their person or vehicle any illegal drugs or alcohol either on their person or in their vehicle while parked in the safe parking lot.

(6) Participants shall not smoke, as defined in City Code Sec. 21.47, within the designated safe parking area and twenty-five (25) feet thereof.

(7) Participants shall not use or possess weapons or firearms of any kind while parked in the safe parking lot.

**SEC. 19.110. - Suspension or revocation of a permit.**

a. Upon receipt of substantiated written complaints from any citizen, code enforcement officer or police department officer, which includes information and/or evidence, supporting a conclusion that a violation of the permit, or of city ordinances or regulations applicable to the property or operation of the facility may result in a suspension or revocation hearing pursuant to this Section.

b. If subject to a conditional use permit pursuant to Chapter 36, in the event the conditional use permit is suspended or revoked, the permit issued pursuant to this Chapter is automatically suspended or revoked, consistent with the action on the conditional use permit.

c. **Grounds for suspension or revocation of registration.** The police chief may suspend for a period of up to nine (9) months or revoke a permit, according to procedures set forth in subsection d. below, if there is probable cause to believe that:

(1) The safe parking use is operated without a valid permit.

(2) Operation of the safe parking program violates any provision of this Division, or other applicable city code provisions or state law.

d. **Procedure for revocation or suspension of permit.**

(1) **Suspension of registration pending hearing.** Whenever the police chief has probable cause to believe that grounds for the suspension or revocation of a permit exist, he/she may immediately suspend the permit by written notice pending the hearing process set forth in this Subsection. If a permit is immediately suspended, the police chief shall give written notice of the hearing date, time and place to the registration holder within three (3) business days of the suspension and as set forth in Subsection (2), below. A hearing shall be scheduled in accordance with Subsection (3), below, and shall be held within thirty (30) calendar days of delivery of the hearing notice. All other subsections in this Section shall apply unless where expressly stated otherwise.

(2) **Notice to permit holder.** Whenever the police chief has probable cause to believe that grounds for the suspension or revocation of a permit exist, he/she shall give the permit holder written notice of the date, time and place of a hearing to be held before the police chief on whether the permit should be suspended or revoked. The notice shall state the alleged grounds for the proposed revocation or suspension of the permit, and the notice shall be served on the permit holder in person at the most recent home or business address on file with the police department or by deposit of the notice in the United States certified mail.

(3) **Hearing before police chief.** The hearing on the revocation or suspension of the permit shall be held before the police chief no less than five (5) business days after the in-person delivery of the notice to the permit holder at the most recent home or business address on file with the police department, or no less than ten (10) business days after deposit of the notice, addressed to the permit holder, in the United States certified mail.

At the hearing, the permit holder and a representative of the city shall have the right to appear and to be represented by counsel, and to present evidence and arguments which are relevant to a determination of whether grounds for suspension or revocation of the permit exist.

(4) **Decision of police chief.** Within ten (10) business days after the hearing, the police chief shall issue a written decision which states whether the permit is suspended or revoked, the length of any suspension and the factual basis for the decision, and that the permit holder may appeal any suspension or revocation to the city manager through the procedures set forth in Subsection (6), below. The decision of the police chief shall be served on the permit holder by in-person delivery at the most recent home or business address on file with the police department or deposit of the notice, addressed to the permit holder, in the United States certified mail.

(5) **Request for appeal hearing before city manager.** The permit holder may appeal the decision of the police chief by filing a written request for an appeal hearing, which states the specific grounds on which the decision of the police chief is contested, with the city manager's office within five (5) business days of the in-person delivery to the permit holder of the police chief's decision at the most recent home or business address on file with the police department, or within ten (10) business days of service of the decision by deposit of the notice, addressed to the permit holder, in the United States certified mail.

(6) **Appeal hearing before city manager.** Upon receipt of a timely request for an appeal hearing, the city manager's office shall notify the permit holder in writing of the date, time and place of the hearing before the city manager, which shall not be less than five (5) business days after service of such written notice on the permit holder by in-person delivery at the most recent home or business address on file with the police department, or ten (10) business days after service of the notice by deposit of the notice, addressed to the permit holder, in the United States certified mail.

At the hearing, both the permit holder and the police chief shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, as stated in the request for an appeal hearing. Within ten (10) days of the hearing, the city manager shall issue a written decision which states whether the decision of the police chief is upheld, modified or reversed, and the length of any suspension. The decision shall be served on the permit holder by in-person delivery or United States certified mail. The decision of the city manager shall be final.

(7) **Effective date of revocation or suspension.** Except when a permit is suspended pending a hearing, any suspension or revocation of a permit shall become effective immediately upon the in-person delivery of the written decision of the police chief, or, in the event of an appeal, the city manager, to the permit holder at the most recent home or business address on file with the city, or within five (5) business days of the deposit of such decision addressed to the permit holder into the United States certified mail.

(8) **Surrender of suspended or revoked registration to police chief.** Upon a written decision by the police chief, or in the event of an appeal, by the city manager, which suspends or revokes a permit the permit shall immediately be surrendered to the police chief. In the case of a suspension, the police chief shall return the permit after the period of suspension has ended."

Section 13. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 14. 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 15. 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 16. The City Council finds that adoption of the ordinance is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines which applies to the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. Adopting the ordinance to allow the use of existing parking lots for temporary overnight safe parking would not constitute any significant expansion of use. CEQA Guidelines Section 15061(b)(3) also applies to the adoption of the ordinance because it can be seen with certainty that there is no possibility that the activity (parking overnight in existing parking lots and expansion of emergency shelters into additional zoning districts) may have a significant effect on the environment. The City considered whether the potential exceptions to the categorical exemption contained in Guidelines Section 15300.2 would apply to this approval and concluded they are not applicable. Use of the existing parking lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged; it is not unusual circumstance for a city to modify the hours of the existing facilities and, moreover, there is nothing unusual about the size or location of the existing parking lots at which temporary overnight safe parking could be allowed; the use of existing parking lots for overnight parking does not adversely impact scenic or historical resources; and the overnight parking ordinance does not entail hazardous sites as it relates to existing parking lots and little to no ground disturbance would result from the implementation of the ordinance.

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