

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
APPROVING AMENDMENTS TO CHAPTER 36 (ZONING) OF THE CITY CODE
AMENDING THE DEVELOPMENT STANDARDS AND PERMITTING PROCESS
FOR EMERGENCY SHELTERS, AND FINDING THE AMENDMENT TO BE
CATEGORICALLY EXEMPT UNDER SECTION 15061(B)(3) OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

WHEREAS, the City of Mountain View adopted the 2023-2031 Housing Element, which includes Policy Program 1.1.f to update the El Camino Real Precise Plan to permit emergency shelters by-right and to update the Zoning Ordinance as necessary to ensure consistency with State law related to emergency shelters (Assembly Bill (AB) 2339); and

WHEREAS, Chapter 36 (Zoning) of the City Code includes development standards and permitting procedures for emergency shelters that are inconsistent with AB 2339 and requires updates to ensure consistency with State law; and

WHEREAS, procedures set forth in Chapter 36, Article XVI, Division 13 of the Mountain View City Code, whereby the City can amend Chapter 36, have been executed; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on February 21, 2024 on said application and recommended the City Council approve the amendments to Chapter 36; and

WHEREAS, the City Council held a public hearing on March 26, 2024 about this Ordinance and received and considered all information, documents, and comments presented at said hearing regarding amendment(s) to Chapter 36, including the recommendation from the Environmental Planning Commission, the City Council report, and project materials;

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

Section 1. The City Council hereby makes the following findings for text amendments to Chapter 36 (Zoning) pursuant to Section 36.52.70 of the City Code:

a. The proposed amendments are consistent with the General Plan because the project implements Policy Programs identified in the Sixth Cycle 2023-2031 Housing Element, including Zoning Ordinance updates for consistency with State legislation related to emergency shelters;

b. The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because these amendments implement State law

related to permitting procedures and objective standards for emergency shelters, which will not impact the public health and welfare of the community as it is intended to support the creation of housing for the community's unhoused and will continue to regulate key physical and operational characteristics of emergency shelters;

c. The proposed amendments are internally consistent with Chapter 36 of the Mountain View City Code; and

d. The proposed amendments are in compliance with the provisions of the California Environmental Quality Act (CEQA) because they are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061, subsections (b)(1) through (b)(3). The amendments include zoning text amendments intended to comply with State legislation related to emergency shelters, which are otherwise covered by the common-sense exemption and will not have a significant effect on the environment.

Section 2. Chapter 36, Article III, Division 2, Section 36.06.50 and Section 36.06.55 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.06.50. - Exemptions from zoning permit requirements.

The zoning permit requirements of this ~~e~~Chapter do not apply to the following activities, land uses and structures, Activities, land uses and structures in this Section that are not a listed use in any district which are permitted in all zoning districts.

a. **Accessory dwelling units and junior accessory dwelling units.** Accessory dwelling units, as defined in Section 36.60.05, or junior accessory dwelling units, as defined in Section 36.60.23, shall be designed in compliance with Section 36.12.60 through Section 36.12.120.

b. **Accessory structures with less than one hundred twenty (120) square feet in floor area.** One (1) story detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet, and the structure is not required to have building or grading permits by Chapter 8 (Buildings) of the City Code. However, the floor area shall count toward the allowed floor area for the parcel, and the structure(s) shall comply with Section 36.12.35.

c. **Antennas, communication facilities.** Communication facilities and antennas, as defined in Section 36.60.03, are allowed in all zoning districts subject to a development review permit (Section 36.44.45), unless prohibited by state and/or federal law, and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. ~~†~~This sSection shall apply to any facility proposed within a city zoning district, excluding the city's rights-of-way. All of the aspects enumerated in Government Code § 65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and

circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

d. **Decks, paths and driveways.** Decks, platforms, on-site paths and driveways that are not required to have building or grading permits by Chapter 8 (Buildings) of the City Code and are not over eighteen (18) inches above natural grade and not over any basement or story below.

e. **Dual urban opportunity development.** A dual urban opportunity development, as defined in Section 36.30.11, shall be designed in compliance with Section 36.13.10 through 36.13.45.

f. **Emergency shelters.** Emergency shelters, as defined in Section 36.60.13, shall be exempt from all planning permits except conditional use permits, where required.

gf. **Fences—R1 and R2 zoning districts.** The following types of fences in the R1 and R2 zoning districts are exempt from zoning permit requirements. Allowed fence heights and locations are illustrated in Figure 36.06-1 (Fence and Wall Standards).

1. **Interior lots.** Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g., open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

2. **Corner lots.**

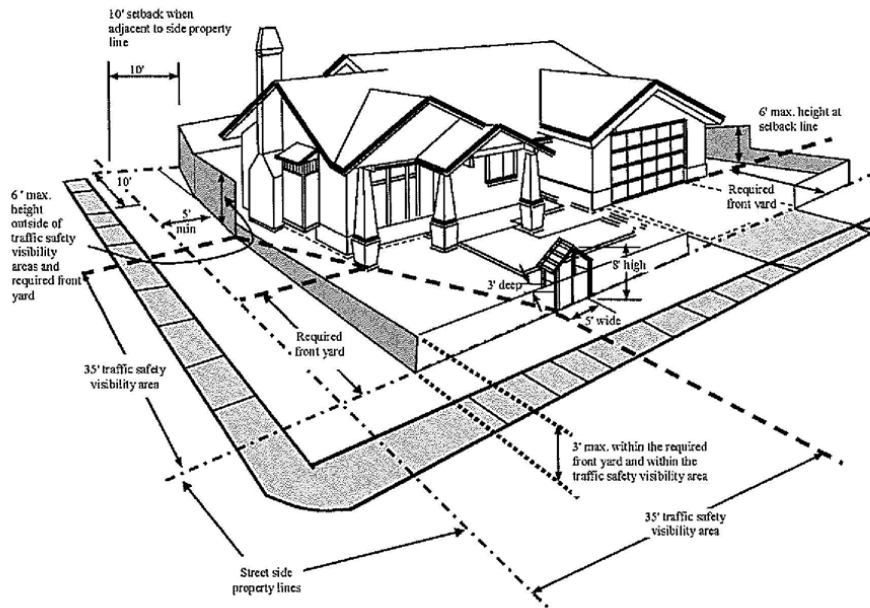
(a) Fences up to three (3) feet in height within the required front yard and traffic safety visibility areas—front and side (or rear). The front traffic safety visibility area is formed by measuring thirty-five (35) feet from the intersection of the street side property line and the front property line of the corner parcel, along both property lines, and then connecting the two (2) points across the corner of the lot;

(b) Entry features over front yard gates (e.g., open-latticed arbors and trellises), not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard but outside the traffic safety visibility areas; and

(c) Fences up to six (6) feet in height located on rear and side property lines outside the required front yard and traffic safety visibility areas, and at least five (5) feet from the street side property line. Further, fences over three (3) feet in height adjacent to the side street property line shall be set back where the side street fence approaches an adjacent lot's front yard in order to create a side (or rear) triangular traffic safety visibility area for the adjacent lot at the side (or rear) of the corner parcel. This triangle is formed by measuring ten (10) feet from the intersection of the street side property line of the corner parcel and the side property

line of the adjacent parcel, along both property lines, and then connecting the two (2) points across the corner parcel. See Figure 36.06-1.

Figure 36.06-1
FENCE AND WALL STANDARDS
(For Reference Only)



hg. **Electric vehicle charging stations.** Electric vehicle charging stations are permitted in all zoning districts subject to Chapter 8 of the City Code.

ih. **Governmental activities.** Activities of the city, state or an agency of the state or the federal government on land owned or leased by a governmental agency.

ij. **Irrigation.** The installation of irrigation lines.

kj. **Interior remodeling.** Interior alterations that do not result in an increase in the gross floor area within the structure, or a change in the permitted use of the structure.

lk. **Repairs and maintenance.** Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repairs employ the same materials and design as the original.

ml. **Retaining walls.** Retaining walls (retaining earth only) that result in grade changes of eighteen (18) inches or less and are not required by Chapter 8 of the City Code to have a grading permit.

n#. **School facilities.** Public school facilities, in compliance with Government Code § 53091, *et seq.*, except where a site is proposed to be occupied exclusively by nonclassroom facilities.

o#. **Single- and two (2) family dwellings.** The construction of four (4) or fewer single-family dwellings or two (2) duplexes and the remodeling of single-family or duplexes in the R1 and R2 zoning districts, provided that the proposed development is in compliance with all applicable provisions of this **e**Chapter, except as provided in Sections **s** 36.10.30 (Development Review Required, R1 Zone), 36.10.55 (Development Review Required, R2 Zone) and 36.10.80 (Development Review Required, R3 Zone).

p#. **Solar collectors.** The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located on the ground level and screened from ground-level public view or, if roof-mounted, are mounted at approximately the same angle as the roof. Solar collectors must comply with the height limitations of the zoning district in which they are located.

q#. **Spas, hot tubs and fish ponds.** Spas, hot tubs, ponds, etc., that do not exceed one hundred twenty (120) square feet in total surface area, including related equipment, contain more than two thousand (2,000) gallons of water, or exceed three (3) feet in depth.

r#. **Utilities.** The erection, construction, alteration or maintenance by a public utility, public agency or private company determined by the city to fulfill a public function of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including occupiable or storage structures, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) having the potential of fifty thousand (50,000) volts or more shall be subject to council review and approval prior to acquisition of rights-of-way.

SEC. 36.06.55. - Other permits may still be required.

A permitted land use that is exempt from a zoning permit, or has been granted a zoning permit, may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this **e**Chapter shall eliminate the need to obtain any permits, ~~or~~ approvals or authorizations required by other provisions of the City Code, including, but not limited to, building, grading or other construction permits if they are required by Chapter 8, a business license if required by Chapter 18, hazardous materials storage permits if required by Chapter 24, subdivision approval if required by Chapter 28, or any other permit, approval or authorization required by a regional, state or federal agency. All necessary permits, approvals and authorizations shall be obtained before starting work or establishing new uses.”

Section 3. 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. - Development and operational standards.

a. **Emergency shelters.** 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 only the following standards:

~~1. **Property development standards.** The shelter shall conform to all property development standards of the zoning district.~~

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

23. **Security.** The shelter shall have on-site security and/or security cameras during all hours when the shelter is in operation. Security cameras, if used, must, at minimum, face the waiting/intake areas and all entrances and exits of the building.

34. **Lighting.** The shelter shall have outdoor lighting. A photometric plan shall be prepared and certified by a licensed engineer. Planned light fixtures shall be pointed downwards and have a minimum one (1) footcandle on parking surfaces and walkways for security purposes, and a maximum of one-half (0.5) footcandle of off-site light spillage.

45. **Length of stay.** The shelter shall be available to residents for ~~thirty (30) days.~~ Extensions up to up to one hundred eighty (180) days.

56. **Maximum number of beds.** The shelter shall contain no more than five (5) beds per one thousand (1,000) square feet of lot size, but no greater than ~~The shelter shall contain a~~ maximum number of one hundred fifty (150) beds. Shelters shall not serve more persons than they have beds.

67. **Waiting and intake areas.** The shelter shall have a minimum two hundred (200) square foot indoor private area to receive clients for intake.

78. **On-site parking.** The shelter shall provide ~~for thirty five hundredths (0.35) parking space per individual bed plus~~ one (1) ~~additional~~ parking space per employee if parking is otherwise required for commercial uses in the zoning district.

~~9. **Common facilities.** The shelter may provide one (1) or more of the following specific facilities for the exclusive use of the residents and staff:~~

- ~~(a) Central cooking and dining room;~~
- ~~(b) Recreation room;~~

- ~~(c) Counseling center;~~
- ~~(d) Child care facilities;~~
- ~~(e) Laundry facilities; and~~
- ~~(f) Other support services.~~

b. **Low-barrier navigation centers.** These centers shall be permitted or conditionally permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables, ~~is~~ are consistent with the development standards of ~~the underlying zoning district~~ Section 36.28.70(a) and shall comply with the following standards:

1. **Connected services.** The center offers services to connect people to permanent housing through a services plan that identifies services staffing.

2. **Coordinated entry system.** The center is linked to a coordinated entry system so that staff in the center may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment and referrals.

3. **Code compliant.** The center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

4. **Homeless management information system.** The center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations."

Section 4. Chapter 36, Article XVII, Division 2, Section 36.60.13 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.60.13. - Definitions - "E."

Efficiency studio. An efficiency studio is a commercial facility where individual secure rooms with a minimum size of one hundred fifty (150) square feet and a maximum size, excluding the manager's unit, of four hundred (400) square feet are rented to a one (1) or two (2) person household for a weekly or monthly period of time. Efficiency studio developments are characterized by having a single point of ingress for tenants which is staffed twenty-four (24) hours a day. No external entryways to individual units are allowed.

Emergency ~~housing or shelter~~. A facility or use, which provides temporary housing (six (6) months or less) for homeless individuals or families. No individual or household may be denied emergency shelter because of inability to pay.

Employee housing. As defined in Health and Safety Code Section 17008, employee housing means any portion of any housing accommodation or property upon which a housing accommodation is located, if all of the following factors exist:

a. The accommodations consist of any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer or other housing accommodations maintained in one (1) or more buildings or one (1) or more sites and the premises upon which they are situated or the area set aside and provided for parking of mobile homes or camping of five (5) or more employees by the employee.

b. The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

c. Additionally, employee housing that serves six (6) or fewer employees shall be deemed a single-family structure with a residential land use designation and is not included in the definition of a boarding housing, rooming house, hotel, dormitory or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling within residential zones; or any employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single-family or household within agricultural zones subject to the provisions of Government Code Section 17021.

Extremely hazardous materials. Materials that are extremely toxic and listed in the Code of Federal Regulations, Title 40, Chapter I, Subchapter J, Part 355, "Emergency Planning and Notification," Appendix A (as referenced in California Health and Safety Code, Division 20, Chapter 6.95, Article 2, § 25532), and that exceed the following thresholds for the total quantity of materials within the facility for any of the following extremely hazardous materials:

a. Extremely hazardous gases or liquids that act as a gas upon release at normal temperature and pressure (70°F and 760 mm Hg) as specified in the City of Mountain View toxic gas ordinance, Chapter 24, Mountain View City Code;

b. Extremely hazardous liquids (not included in the previous definition) that are at or above the threshold planning quantity (TPQ) as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A, for any single extremely hazardous material; and

c. Extremely hazardous solids that are at or above the TPQ as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A. When two (2) TPQs are listed, the lower TPQ applies to solids in powder form (particle size less than one hundred (100) microns, or handled/stored in solution or molten form, or meets the NEPA criteria of 2, 3 or 4 reactivity)."

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 6. 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 7. 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.
