

**CITY OF MOUNTAIN VIEW
FINDINGS REPORT/ZONING PERMIT**

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APPLICATION NO.:

PL-2024-069

DATE OF FINDINGS:

August 7, 2024

EXPIRATION OF ZONING PERMIT:

August 7, 2026

THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.

Applicant's Name:

Jackson Chang of Arena SJ, LLC

Property Address:

251 Castro Street

Assessor's Parcel No(s).:

158-22-006

Zone:

P(19)

Request:

Request for a modification to an existing Provisional Use Permit (117-12-PCZA) to modify the liquor license (Type 48 to a Type 90 license) and age limitations of an existing bar/lounge (Opal Night Club) with live entertainment.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The modification to an existing Provisional Use Permit (117-12-PCZA) to modify the liquor license (Type 48 to a Type 90 license) and age limitations of an existing bar/lounge (Opal Night Club) with live entertainment is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.48.25:

- A. The proposed use is conditionally permitted within the Downtown Precise Plan and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including allowed land uses per Area H of the Downtown Precise Plan, as the changes to the liquor license is within an existing nightclub establishment, which are a provisionally permitted use in the Downtown Precise Plan Area H;
- B. The proposed use is consistent with the Downtown Mixed-Use Land Use Designation of the General Plan because the intent of the Downtown Mixed-Use Land Use Designation is to provide an active mix and concentration of uses, including restaurants, entertainment, and neighborhood-serving commercial uses. The existing land use provides nighttime entertainment, which supports the intent of the Downtown Mixed-Use Land Use Designation. Proposed modifications to change the license type from Type 48 to Type 90 will not change the operations of the existing use;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity because the proposed modification to change the liquor type from Type 48 to Type 90 will allow the continuation of alcohol sales and live entertainment but will modify the existing operations of the site by allowing patrons who are 18 years and older into the existing establishment. The establishment under the current ownership does not have any citations or complaints. Additional security measures will be in place to ensure no alcohol services to patrons under the age of 21 occur;
- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because no exterior or interior changes are proposed to the existing building, and the existing building includes a more traditional architecture which is consistent with the other historic buildings along Castro Street; and

Owner

Agent

File

Fire

Public Works

- E. The approval of the Provisional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 (“Existing Facilities”) because the project includes minor modifications to the operations of an existing use with no exterior building or site modifications. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

This approval is granted to modify an existing Provisional Use Permit (117-12-PCZA) to modify the liquor license (Type 48 to a Type 90 license) and age limitations of an existing bar/lounge with live entertainment located on Assessor’s Parcel No. 158-22-006. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by Altus Design for Arena SJ, LLC, date stamped January 27, 2024.
- b. Business Description Letter prepared by Arena SJ, LLC.
- c. Security Plan prepared by Arena SJ, LLC, date stamped June 1, 2023.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

General

- 1. The conditional approval made by the Zoning Administrator at the conclusion of the June 26, 2024 public hearing is hereby rescinded in its entirety.

Planning Division—650-903-6306 or planning.division@mountainview.gov

- 2. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s).
- 3. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use in this tenant space (or building) ceases for a period of six months or more, at which point this Permit shall have expired and a new Permit shall be required. Determination of the abandonment of the use shall be based on the best available data, which may include business license, tax payment records, utility records, and other government agency permits or licenses.
- 4. **PREVIOUS APPROVALS:** Approval of this permit modification incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. 117-12-PCZA, as applicable to the proposed modification(s) to the approved use and/or development. For regulatory purposes, all previous permits and conditions of approval shall remain valid.
- 5. **ABC COMPLIANCE:** The licensee shall comply with any and all conditions imposed by the State Department of Alcoholic Beverage Control (ABC). **(PROJECT-SPECIFIC CONDITION)**

PERMIT SUBMITTAL REQUIREMENTS

- 6. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a duly noticed public hearing, which can be referred to the City Council.

OPERATIONS

- 7. **AGE LIMITATIONS (Replaces Original Permit No. 6):** The business shall comply with the age limitations imposed by their ABC liquor license. **(PROJECT-SPECIFIC CONDITION)**

The following conditions of approval are removed from the original conditions of approval:

8. **COST RECOVERY FOR PLANNING SERVICES (Removes Original Permit No. 12):** The cost for meetings, Temporary Use Permit applications, and any other permit-related activities for Planning Division personnel shall be incurred by the applicant. The applicant shall establish a cost-recovery account for the business and shall maintain a minimum balance of \$5,000 within thirty (30) days of the approval of this permit. The City will invoice the applicant for these costs, and the applicant shall pay the invoice in full within thirty (30) days. The remaining funds in the account shall be reimbursed to the applicant when the business vacates the subject property.

Building Division—650-903-6313 or building@mountainview.gov

Entitlement review by the Building Division is preliminary. Building and Fire plan check reviews are separate permit processes applied for once the zoning approval has been obtained and appeal period has concluded; a formal permit submittal to the Building Division is required. Plan check review shall determine the specific requirements and construction compliance in accordance with adopted local, state, and federal codes for all building and/or fire permits. For more information on submittal requirements and timelines, contact the Building Division online at www.mountainview.gov/building. It is a violation of the MVCC for any building occupancy or construction to commence without the proper building and/or fire permits and issued Certificate of Occupancy.

9. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2022 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, CALEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
10. **USE AND OCCUPANCY CLASSIFICATION (Replaces Original Permit No. 7):** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
11. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
12. **APPLY TO THE BUILDING DIVISION TO LEGALIZE EXPIRED PERMIT:** Submit a building permit to legalize the work completed that was associated with expired Building Permit No. 2017-1077. The submitted building permit must be issued and finalized prior to issuance of the ABC Liquor License.
13. **MANDATORY INSPECTION:** A site inspection is required. To schedule an inspection, please contact John Carr, DBO Field and Building Inspection Operations, at 650-903-6422. The inspection request must be scheduled as soon as possible and be complete prior to submittal of a building permit. If additional inspections are required, plan accordingly and allow sufficient time if necessary.

NOTE: Decisions of the Zoning Administrator may be appealed to the City Council in compliance with Chapter 36 of the City Code. An appeal shall be filed in the City Clerk's Office within 10 calendar days following the date of mailing of the findings. Appeals shall be accompanied by a filing fee. No building permits may be issued or occupancy authorized during this appeal period.

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

AMBER BLIZINSKI, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

AB/KP/6/FDG
PL-2024-069