

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

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APPLICATION NO.:

PL-6164

DATE OF FINDINGS:

October 9, 2024

EXPIRATION OF ZONING PERMIT:

October 9, 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:

Wensday Wagner for Trinity United Methodist Church

Property Address:

Assessor's Parcel No(s).:

Zone:

748 Mercy Street

158-23-045

P(19)

Request:

Request for a modification to a previously approved Provisional Use Permit (PL-2022-201) to extend the months of operation for a cold-weather homeless shelter at an existing church located on a 0.31-acre project site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The modification to a previously approved Provisional Use Permit (PL-2022-201) to extend the dates of operation from the week of Thanksgiving on any given year through March 31 of the following year to October 15 through April 15 for a cold-weather emergency shelter at an existing church is conditionally approved based upon the previously approved conditions in accordance with Application Nos. PL-2022-201, PL-2018-281, and PL-2017-218, and the conditions contained herein, which are new and/or modify previously approved conditions, and upon the following findings per Section 36.48.25:

- A. **The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code.** The proposed use is conditionally permitted within the P(19) (Downtown) Precise Plan and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code since the proposed use is similar to the existing residential and church uses because a limited number of referred families and single women are permitted to reside at the shelter during cold-weather months; all related activities, including sleeping, showering, and support services, occur indoors; parking demand will occur during off-peak hours of the church and 15 off-site parking spaces for shelter staff and participants in accordance with the existing Parking Management Plan will be maintained; a minimum of 10 on-site bicycle parking racks have been designated for use by shelter staff, residents, and volunteers during all hours of operation; and because the modified dates of operation would not affect compliance with any development standards, guidelines, or uses;
- B. **The proposed use is consistent with the General Plan.** The proposed use is consistent with the Downtown Mixed-Use Land Use Designation of the General Plan and meets *General Plan Policy LUD 3.5: Diversity*, which encourages residential developments serving a range of diverse households and incomes, and, in this case, providing an emergency shelter for unhoused residents serves a population who needs access to a temporary safe place;
- 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.** 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 existing use with extended dates of operation of the cold-weather

Owner

Agent

File

Fire

Public Works

homeless shelter is sensitive to the surrounding residential and commercial neighborhood as all activities associated with the proposed use occur in an existing church building, and shelter residents are not permitted to leave the shelter once admitted, loiter, or store personal possessions or leave trash in the surrounding neighborhood before, during, or after the operating hours of the shelter. Conditions of approval have been applied to this project so that in the case of local complaints regarding the shelter operations, reasonable measures warranted to correct the problem(s) will be required to be implemented; and the extended dates of operation will not affect existing and future land uses in the vicinity because the shelter operation is temporary during winter months;

- D. **Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.** 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 modifications or site improvements are proposed; and
- E. **The approval of the Provisional Use Permit for the proposed use complies with the California Environmental Quality Act (CEQA).** 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") of the CEQA Guidelines because the project involves occupancy in an existing building. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

This approval is granted to modify a previously approved Provisional Use Permit to allow extended dates of operation for an existing cold-weather emergency shelter in an existing church located on Assessor's Parcel No. 158-23-045. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Project drawings prepared by John Miller Architects for Trinity United Methodist Church, dated September 22, 2017, and consisting of two pages.
- b. Los Altos United Methodist Church Operational Plan dated August 8, 2024, and kept on file in the Planning Division of the Community Development Department.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **PREVIOUS APPROVALS (Replaces Condition No. 1 of PL-2022-201):** Approval of this permit modification incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit Nos. PL-2017-218 (original permit), PL-2018-281 (one-year review of original use permit), and PL-2022-201 (amendment to hours of operation), 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, except where updated herein as part of the approval of this permit modification.
2. **TIMING OF RELATED APPROVALS FOR THE TEMPORARY USE OF CITY PARKING LOT 7:** Prior to the commencement of the cold-weather homeless shelter operations, the City Council must authorize the temporary closure from public access of 15 parking spaces within City Parking Lot 7 concurrent with the times and dates of the cold-weather homeless shelter operations and a no-fee license agreement must be executed with the County of Santa Clara for the temporary use of 15 parking spaces within City Parking Lot 7 for the cold-weather shelter. **(PROJECT-SPECIFIC CONDITION)**
3. **ABANDONMENT OF USE (Replaces Condition No. 2 of PL-2022-201):** The approved use shall be considered abandoned if the approved use in this tenant space (or building) is not annually in operation between October 15 and April 15 of each year, 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.

OPERATIONS

4. **OPERATIONAL PLAN (Replaces Condition No. 3 of PL-2022-201):** The proposed project shall comply with the Operation Plan dated August 9, 2024, except where modified by conditions herein as part of the approval of this permit.

5. **DATES OF OPERATION (Replaces Condition No. 5 of PL-2022-201):** The shelter is permitted to operate from October 15 on any given year through April 15 of the following year. Exemptions due inclement weather conditions may be permitted on a case-by-case basis through a Temporary Use Permit application. Application materials for a Temporary Use Permit can be found on the City of Mountain View website at www.mountainview.gov/planning.

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.

6. **BUILDING CODES (Replaces Condition No. 7 of PL-2022-201):** 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).
7. **MEANS OF EGRESS (Replaces Condition No. 33 of PL-2018-281):** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.

Create and provide a detailed occupancy and egress plan that will clearly show the following items:

- Proposed occupancy group.
 - Total occupant load.
 - Location of exits leading the exterior.
 - Location of illuminated exit signs.
 - Exit doors provided with panic hardware.
 - Clear path of travel when the shelter is set up for overnight use and the location of beds and any room dividers used to separate families.
8. **OCCUPANT LOAD (New Condition):** Per previous conditions, the maximum occupant load is 50 occupants (Cold Shelter).
9. **ACCESSIBLE MEANS OF EGRESS (Replaces Condition No. 9 of PL-2022-201):** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
10. **EXIT DISCHARGE (New Condition):** The project shall comply with the exit discharge requirements per the CBC, Chapter 10, Section 1028.
11. **ACCESSIBILITY REQUIREMENTS (Replaces Condition No. 8 of PL-2022-201):** The project must maintain compliance with the following:
- **Chapter 11A/11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A/11B.
 - **Parking (Chapter 11A/11B):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11A/11B.

- **Path of travel from public sidewalk/right-of-way (Chapter 11B):** The project is required to provide a continuously accessible path from the public sidewalk/right-of-way to the building entrance(s).

Fire Department—650-903-6343 or fire@mountainview.gov

FIRE PROTECTION SYSTEMS AND EQUIPMENT

12. **FIRE EXTINGUISHERS (New Condition):** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 906.)
13. **SMOKE ALARMS (Replaces Condition No. 11 of PL-2022-201):** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.2.11.)

OTHER

14. **OCCUPANCY AND EGRESS PLAN (New Condition):** Create and provide a detailed occupancy and egress plan that will clearly show the following items: (1) fire sprinkler status; (2) fire alarm/smoke detection status; (3) carbon monoxide alarm status; (4) proposed occupancy group; (5) total occupant load; (6) location of exits leading to the exterior; (7) location of illuminated exit signs; (8) location of fire extinguishers; (9) exit doors provided with panic hardware; and (10) clear path of travel when the shelter is set up for overnight use and the location of beds and any room dividers used to separate families.

The above information is necessary to understand the use of the space and to verify the building is in compliance with the applicable Building and Fire Codes. This information can be provided with each submittal of the Operational Plan for the Cold Shelter Program and will allow the departments reviewing the proposal to verify the area is in compliance without having to ask for additional information.

A site walk was conducted prior to issuing these conditions to verify the space meets the above requirements. A plan is to be provided showing the required information for all future submittals.

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/SF/6/FDG
PL-6164