



COUNCIL REPORT

DATE: December 5, 2023

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the City Code**

RECOMMENDATION

1. Find the proposed amendments to Chapters 8 (Buildings), 25 (Neighborhood Preservation), 28 (Subdivisions), 32 (Trees, Shrubs and Plants), 35 (Water, Sewage and Other Municipal Services), and 36 (Zoning) of the Mountain View City Code to be exempt under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061, Subsections (b)(1) through (b)(3), as the amendments are to align with State legislation, implement adopted Housing Element programs, relate to ministerial activities otherwise categorically exempt under the CEQA Guidelines, and are otherwise covered by the common-sense exemption that the amendments will not result in a significant effect on the environment.
2. Introduce an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law and to Implement 2023-2031 Housing Element Programs, Including Updates to Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations, the Land Use Tables and Development Standards in Residential, Commercial, and Industrial Zones Related to Low-Barrier Navigation Centers, Child Day-Care, Employee Housing, and Other Residential Uses, and Parking Requirements, and Provisions for Micro-Enterprise Home Kitchen Operations and Hydrogen Fueling Stations; to Modify Provisions Related to Entitlement Applications, Development Review, Hearing and Extension Processes; to Clarify or Streamline Existing Procedures and Practices; to Incorporate Permit Provisions for Moving Buildings; and to Make Modifications, Clarifications, and Technical Corrections, to be read in title only, further reading waived, and set a second reading for January 23, 2024 (Attachment 1 to the Council report).
3. Introduce an Ordinance of the City of Mountain View Approving Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 32 (Trees, Shrubs and Plants), and Chapter 35 (Water, Sewage and Other Municipal Services) to Replace References to the Development Review Committee with Design Review, Align with State Laws on Electric

Vehicle Charging Requirements and Micro-Enterprise Home Kitchen Operations, and Relocate Certain Accessory Dwelling Unit Provisions from Chapter 36 into Chapter 8; and Amendments to Chapter 28 (Subdivisions) to Modify Lot Line Adjustment Procedures and Clarify Existing Subdivision Map Extension Procedures, to be read in title only, further reading waived, and set a second reading for January 23, 2024 (Attachment 2 to the Council report).

4. Adopt a Resolution of the City Council of the City of Mountain View Making Findings Required by California Public Utilities Code Section 21676 and Notifying the Santa Clara County Airport Land Use Commission (ALUC) of the City's Intention to Find the Proposed Zoning Ordinance Text Amendments to Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law, Implement 2023-2031 Housing Element Programs, Modify and Clarify Administrative and Development Review Procedures, and Make Other Nonsubstantive Amendments, are Consistent with the Purposes Set Forth in California Public Utilities Code Section 21670 and Overrule the ALUC Determination that the Proposed Zoning Ordinance Text Amendments are Inconsistent with Certain Policies in the Comprehensive Land Use Plan For Moffett Federal Airfield, to be read in title only, further reading waived (Attachment 3 to the Council report). (2/3 vote of the Council required)

BACKGROUND

City staff regularly reviews and updates Chapter 36 (Zoning Code) of the City Code for consistency with State-adopted bills and to improve clarity, consistency, and usability of standards within the Chapter. These updates occur annually or biannually (with the exception of the last three years due to COVID-19) and, depending on the updates proposed, amendments may also include updates to other chapters of the City Code.

The proposed 2023 Code amendments include amendments to multiple chapters of the City Code based on:

- New State legislation signed into law in 2022 (effective in 2023), primarily focused on accessory dwelling unit (ADU) regulations, new residential land uses identified under State law, parking regulations, permit streamlining of hydrogen fueling stations and electric vehicle charging stations, and other miscellaneous regulations;
- Implementation of programs in the City's [2023-2031 Housing Element](#), adopted by the City Council on April 11, 2023; and

- Other updates intended to address City Code inconsistencies, update procedures based on current practices, and improve clarity or usability of regulations in Chapters 8, 25, 32, 35, and 36.

These amendments also align with Work Plan Item No. 42 from the [Council's Fiscal Year 2023-25 Strategic Priorities](#) to review and make periodic amendments to the City Code in a phased approach to remove contradictory, unenforceable, or otherwise outdated sections.

Environmental Planning Commission Public Hearing

On November 1, 2023, the Environmental Planning Commission (EPC) held a public hearing to review the proposed Code amendments to Chapter 36 and provide a recommendation to the City Council (see Attachment 4—Environmental Planning Commission Staff Report—[November 1, 2023](#)). The EPC discussed staff's recommendation but desired modifications to allow second-story balconies and additional building height for detached ADUs, flexibility in height limits of rooftop screens, and were not supportive of staff's proposal to limit planning applications for new development or redevelopment at the same project site to one at a time. Two Commissioners also voiced a desire to remove parking minimums along El Camino Real and for hotel uses, but there was not majority support. Ultimately, the EPC voted unanimously to recommend Council adopt the proposed Code amendments with modifications to those standards listed above, which are discussed later in this report.

Public Comments

City staff received five written comments prior to the EPC hearing (see Attachment 5—Public Comments Received). Comments raised, including responses to those comments, include:

1. **Implementation of Other State Bills:** Concern that the City is not addressing minimum floor area ratios (FARs) required under SB 478 or addressing the definition of base density under State Density Bonus Law per AB 2334 (League of Women Voters).

Response: These proposed amendments are not intended to address all implementation of Housing Element Program 1.1. Staff is planning to address SB 478 in the City Code as part of the R3 Zoning Update and AB 2334 as part a comprehensive update to the City's density bonus regulations, which is under way. However, staff would like to note that, although the amendments are intended to be brought as part of a future update, the City is already complying with applicable State laws.

2. **Low-Barrier Navigation Centers in Precise Plans:** The City does not mention how low-barrier navigation centers will be addressed within existing Precise Plans that include

mixed-use and nonresidential zones where multi-family residential uses are allowed (League of Women Voters and MV YIMBY).

Response: Separately staff is drafting amendments to the various Precise Plans in the City where low-barrier navigation centers are required to be allowed. These Precise Plan amendments are anticipated to come before the EPC and Council in 2024.

3. **AB 2097 and Definition of Major Transit Stops:** The City should consider VTA Bus 22 and VTA Bus 522 along El Camino Real (with stops at Showers Drive, Castro Street, and Bernardo Avenue) as “major transit stops” for compliance purposes of AB 2097 (MV YIMBY).

Response: Staff has directly communicated with the Metropolitan Transportation Commission (MTC) on the definition of a major transit stop under AB 2097. In alignment with MTC’s direction, the VTA bus routes along El Camino Real in Mountain View do not qualify as major transit stops. Most Santa Clara County cities are following this same direction. However, since the definition of a major transit stop is tied to service levels, if service levels increase to qualify the bus stops on El Camino Real as major transit stops, then the City must apply AB 2097 regulations to those areas, so this is a requirement that may evolve over time.

It is important to note, the AB 2097 map prepared by City staff reflects a compliance mandate under State law, not a policy decision on parking standards. Separately, the City has multiple initiatives to support reduced vehicle trips and parking, including development of the Active Transportation Plan, planned bike lane improvements on El Camino Real, and Housing Element Program 1.2.b, which requires the City to remove parking minimums for residential development in the El Camino Real Precise Plan.

Also, MV YIMBY noted staff’s error in a reference to State Code, which has been revised on Page 51 of Attachment 1.

4. **Comments on ADU regulations include:**

- Amend the Code to add AB 1033 to allow for the separate sale of ADUs (MV YIMBY);
- Allow second-story balconies on detached ADUs (Leona Pearce and MV YIMBY); and
- Increase the allowed height of ADUs (Leona Pearce).

Response: These Code amendments do not incorporate new 2023 State legislation, such as AB 1033, that were signed into law by the Governor in October. Regarding

allowing second-story balconies and additional height for ADUs, the amendments reflect the EPC recommendation to allow second-story balconies under certain circumstances and to increase the allowed height to 18' universally for detached ADUs. Staff notes that second-story balconies and increased height for ADUs are discretionary and not required per State law.

5. **Opposition of One Permit Application:** Opposes limiting the number of planning applications on a project site to one at a time (Chamber of Commerce and MV YIMBY).
6. **Development Review Committee (DRC):** Supports streamlining the DRC process but wants clarification on the Code amendments regarding design review (Chamber of Commerce).
 - **Response:** The Code amendments are being revised to reflect the existing process (i.e., the current consulting role of the DRC to the Zoning Administrator) and do not modify the design review process. The amendments do not modify meetings or hearings in the existing development review process.
7. **Hydrogen Fueling Station:** The City should limit hydrogen fueling stations to existing service stations only (Serge Bonte).
 - **Response:** The amendments as proposed by staff are to be compliant with State law. Per State law, hydrogen fueling stations must be allowed in all commercial and industrial zones on properties without existing residential units, in addition to existing gas service stations. Limiting their location to only existing gas service stations would not be in compliance with SB 1291.

At the EPC hearing, two members of the public spoke. One person spoke in support of allowing second-story balconies on single-family detached ADUs and to allow increased building heights for ADUs. The second speaker indicated concerns that limiting the number of planning permit applications to one at a time would stifle housing development and raised concerns regarding the City's application of the definition of a major transit stop, particularly along El Camino Real.

Santa Clara County Airport Land Use Commission Public Hearing

On [November 15, 2023](#), the Santa Clara County Airport Land Use Commission (ALUC) held a public hearing to review the proposed Code amendments to Chapter 36 and their consistency with the adopted Moffett Field (NUQ) Comprehensive Land Use Plan (CLUP). As a portion of the amendments affect parcels located in the Moffett Airport Influence Area (AIA), the Public Utilities Code requires that the proposed zoning amendments be sent to ALUC to ensure compatibility with the CLUP—even when standards and land uses are mandated by State law.

At this hearing, the ALUC reviewed the proposed code amendments and found them inconsistent with the Moffett Field CLUP by a 4-1 vote, unless the City added the following text into the Chapter 36 amendments (NOTE: Commissioner Paul Donahue did not support the motion; Commissioner Lisa Matichak was not present):

1. “When measuring development height for consistency with the Moffett Federal Airfield (NUQ) Comprehensive Land Use Plan (CLUP) Part 77 Surfaces, height is to be measured from mean sea level (MSL) to the top of the highest point of any proposed structure. Height of any proposed structure is subject to height guidelines set forth in the NUQ CLUP and may not exceed the Part 77 Surface immediately above that proposed structure.”
2. “To ensure compliance with Safety Zone guidelines, all proposed development must conform to density allowances and open space/open area requirements as outlined in Table 4-2 and policies of the NUQ CLUP.”
3. “To ensure compliance with noise-related guidelines, all proposed housing development/new housing accommodations must conform to the CNEL Noise Compatibility Guidelines as outlined in Table 4-1, Figure 5, and policies of the NUQ CLUP.”
4. “Where legally allowed, the dedication of an aviation easement to the United States Government shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in Paragraph 4.3.7 of the NUQ CLUP. All such easements shall be similar to that shown as Exhibit 1 in Appendix A of NUQ CLUP.”

The ALUC requested these additional text amendments in response to potential concerns raised by ALUC staff with not being able to determine building heights, potential population density increases and conflicts with open space uses within the safety zones of the airport, noncompliance with noise thresholds for residential uses, and a desire to apply aviation easements to all properties within the AIA. City staff provided a written response to the ALUC with additional information to clarify inaccurate information and assumptions by the County staff in reaching their recommendations to include additional text amendments as conditions of the ALUC’s consistency determination, which ALUC members included in their motion (see Attachment 6—Letter to ALUC Dated November 15, 2023).

At the hearing, the ALUC Commissioners raised specific concerns regarding low-barrier navigation centers locating within nonresidential areas, which would introduce a residential use within the Moffett Field Safety Zones where residential uses are discouraged within the East Whisman Precise Plan area. Even though Mountain View staff noted that the proposed code

amendments were mostly mandated by the State and did not apply to the East Whisman Precise Plan (since none of the amendments applied to the Precise Plan) and that there was no nexus to include ALUC staff recommendations, the Commissioners felt it appropriate to include these suggested amendments “just in case.”

Staff is recommending that Council override the ALUC determination for the following reasons:

- The proposed Chapter 36 amendments are consistent with the Moffett Airfield CLUP as the amendments comply with height requirements of Part 77 Surfaces, do not impact parcels located in the Safety Zones, comply with the CNEL noise compatibility thresholds, and the City already implements aviation easements through conditions of approval as required by the CLUP; and
- The requested amendments by ALUC are intended to apply to all properties in the AIA, which is beyond the scope of amendments proposed and regulated under Chapter 36.

The same Public Utilities Code section that gives the ALUC authorization to review cities’ amendments to zoning codes, precise plans, and general plans for consistency with an airport’s comprehensive land use plan also grants cities the authority to override ALUC’s determination of inconsistency. In order to overrule the ALUC’s determination, the city must make findings that the city’s code or plan amendment is consistent with the purpose of Public Utilities Code Section 21670 to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around the public airports to the extent that these areas are not already devoted to incompatible uses. Staff recommends that Council make a determination that the proposed Chapter 36 (Zoning) code amendments are consistent with these purposes and the policies and requirements of the Moffett Airfield CLUP and, therefore, provide notice of intention to override the ALUC’s determination of inconsistency without incorporating the additional suggested text amendments (see Attachment 3—Resolution of Intention to Override ALUC Determination). After the City provides notice to the ALUC of the City’s intent to override, the ALUC will have 30 days to respond if it wishes, after which Council can then take final action to override the determination prior to adoption of the ordinance at its second reading scheduled in January 2024. Should Council not wish to override the ALUC determination, then Council can include, in their motion on this item, direction for staff to proceed with incorporation of the amendments suggested by ALUC into a new added section to Chapter 36.

ANALYSIS

The amendments proposed are categorized as either: (i) reconciling the existing Code with State legislation, ADU updates, and Housing Element implementation; or (ii) clarifying zoning procedures and standards. Each amendment related to a State law or Housing Element Program includes a reference to the associated law or program. Table 1 identifies the proposed amendments by category and indicates where Council has discretion to make revisions if the amendment is not required by State law.

Discretionary recommendations by staff include:

- Objective standards included with State law requirements to address potential community or design concerns;
- Clarifications to existing standards based on implementation of zoning regulations, frequent questions or comments from the community, and staff experience with implementing ADU regulations over the last three years; and
- Clarifications to procedures that are either not currently reflected in the Code were previously raised by Council or provide clarity to an existing process or practice.

A description of each amendment is included in Attachment 7 with a more detailed summary table included as Attachment 8.

Table 1: Proposed Code Amendments

CATEGORY	DESCRIPTION
Mandated by State Law	<ul style="list-style-type: none"> • AB 2097—No minimum parking near major transit stops in Chapters 8 and 36. • AB 970—Allow reduced parking for installation of electric vehicle charging stations. • AB 916—Allow reduced parking for up to two new bedrooms within an existing multi-family residential unit. • AB 626—Add microenterprise home kitchen operations as an allowed home occupation in Chapters 25 and 36. • SB 1291—Allow hydrogen fueling stations with no zoning permit in certain circumstances.

CATEGORY	DESCRIPTION
	<ul style="list-style-type: none"> • Gov. Code Sec. 65091—Add State minimum noticing requirements for public hearings. • AB 2221, AB 345, and SB 897—Updates to accessory dwelling unit and junior accessory dwelling unit regulations (e.g., allow two-story height, separate ownership, front setback exception, minimum building entrance, and nonconforming conditions). • AB 234—Allow small- and large-family child day care in all residential zones. <p><i>Discretionary Recommendations by Staff</i></p> <ul style="list-style-type: none"> • Operational Criteria for microenterprise home kitchen operations (MEHKOs), such as hours of operation and location of dining areas (AB 626); also, allow outdoor cooking with a MEHKO business license in Chapter 25. • Objective standards for hydrogen fueling stations to limit impacts to Heritage trees, circulation, and noise (SB 1291).
<p>2023-2031 Housing Element Implementation (Programs 1.1, 1.2, and 2.3)</p>	<ul style="list-style-type: none"> • AB 101—Add low-barrier navigation centers in nonresidential and mixed-use zoning districts where multi-family residential is allowed (Program 1.1.a). • Gov. Code Sec. 17000, et seq.—Add employee housing as a land use in all residential and agricultural zoning districts (Program 1.1.b). • Gov. Code Sec. 65852.7—Allow mobile home parks in all residential zoning districts (Program 1.1.c). • Remove the limit on the number of clients from residential care home requirements (Program 1.1.d). • Update reasonable accommodations permit findings to reduce barriers to housing for special-needs populations (Program 1.1.e). • Eliminate parking minimums for 100% affordable housing projects (Program 1.2.a).

CATEGORY	DESCRIPTION
<p>2023-2031 Housing Element Implementation (Programs 1.1, 1.2, and 2.3)</p>	<p><i>Discretionary Recommendations by Staff</i></p> <ul style="list-style-type: none"> • Allow low-barrier navigation centers beyond State minimum locations, in same industrial and public facility zoning districts as emergency shelters (AB 101). • Add bicycle parking requirements for 100% affordable housing projects.
<p>Update Procedures, Improve Clarity or Inconsistency Recommended by City Staff</p>	<p><i>Discretionary Recommendations by Staff</i></p> <ul style="list-style-type: none"> • Clarify existing ADU regulations, e.g., maximum number of ADUs, allow an FAR exemption for single-family residential ADUs, second-story balconies, covered entrance, standards for multi-family residential ADUs, and other clarifications; • Reflect current role of the Development Review Committee (DRC) by replacing references to the DRC with the design review process in Chapters 8, 32, 35, and 36; • Clarify the time limit for zoning permit extensions; • Allow one planning application under review at a time for new development/redevelopment; and allow simultaneous submittals for permits to improve existing buildings; • Add expanded public hearing noticing requirements for project sites adjacent to City-owned land; • Clarify informal planning application purpose and process; • Allow electronic notification of zoning permit decision; • Update Review Authority table to reflect approval body of State-mandated ministerial permits, lot line adjustments, permit extensions, and remove the DRC as a recommending body to reflect current practices; • Clarify standards for equipment screening; • Add a definition of a studio use;

CATEGORY	DESCRIPTION
Update Procedures, Improve Clarity or Inconsistency Recommended by City Staff	<ul style="list-style-type: none"> • Add general development standards for industrial zones; • Relocate a portion of the regulations for moving an existing building from Chapter 8 to Chapter 36; • Clarify second-story setback over a garage for single-family homes; • Correct references to bike parking standards and guest parking standards; • Add lot line adjustment procedures in Chapter 28 and allow lot line adjustments to be approved at staff-level without a public hearing to align with Subdivision Map Act; and • Clarify time limits for subdivision map extensions in Chapter 28.

EPC Modifications to Proposed Amendments

The EPC recommended modifications to the original staff recommendations. Staff has incorporated the EPC recommendations and, in one case, made an alternate recommendation, which are summarized in Table 2 and incorporated in Attachment 1 (shown in blue underlined font).

Table 2: Modifications to Proposed Amendments

Original Draft Amendment	EPC Recommendation and Feedback	Staff Recommendation
Height for Detached ADUs		
<ul style="list-style-type: none"> • 18', up to an additional 2' to match roof pitch of the existing roof if within one-half mile of a major transit stop or high-quality transit corridor (20' maximum). 16' height limit, if not within one-half mile of a major transit stop or high-quality transit corridor (<i>this applies to all ADUs.</i>). • 18' if on multi-family, multi-story site (<i>this applies to multi-family ADUs only.</i>). <p><u>OR</u></p> <ul style="list-style-type: none"> • 16' for all other ADUs (<i>This applies to all ADUs.</i>). 	<ul style="list-style-type: none"> • Allow a maximum 18' height limit universally for all detached ADUs, regardless of their proximity to a major transit stop or high-quality transit corridor under State law (<i>this would apply to all detached ADUs.</i>). • Additional height will allow for a sloped, pitched roof, instead of a flat roof. • A 16' height is too limiting, and, thus, applying the 18' height to match the State law height limits for detached ADUs was recommended. 	<ul style="list-style-type: none"> • 18' maximum with up to an additional 2' to match the roof pitch of the primary residence (20' maximum). <p>The height limit proposed would exceed State law minimums (which is allowed) and would allow for consistent height limits for all detached ADUs regardless of proximity to transit. See Pages 14 and 16-17 for detailed text in Attachment 1.</p>

Original Draft Amendment	EPC Recommendation and Feedback	Staff Recommendation
Second-Story Balconies On Detached Single-Family ADUs		
<ul style="list-style-type: none"> Prohibit second-story balconies on detached single-family ADUs. 	<ul style="list-style-type: none"> Allow detached ADUs to have a second-story balcony that faces toward the interior of the property, reducing privacy impacts. Support opportunity for outdoor open space. 	<p>A second-story balcony for a detached single-family ADU is allowed if it complies with the following:</p> <ul style="list-style-type: none"> Is oriented toward the front of the ADU facing the primary home or street; on the side of the ADU facing the interior yard; or for corner lots on the street side yard facing the street; A maximum balcony size of 75 square feet (<i>NOTE:</i> Single-family homes are allowed a maximum of 125 square feet); and A minimum setback of 10' from the rear property line, 7' from the side property line, and 4' from a street side yard. <p>These distances are based on a reasonable distance from the rear property line (aligns with the closest distance a single-story home can encroach), a second-story side setback for single-family homes at 7', and the minimum 4' setback of an ADU. See Pages 15-16 for detailed text in Attachment 1.</p>

Original Draft Amendment	EPC Recommendation and Feedback	Staff Recommendation
Height Flexibility for Roof Screens		
<ul style="list-style-type: none"> Roof screen must be at a height equal to or greater than the height of the installed equipment. 	<ul style="list-style-type: none"> Allow flexibility in the height of a rooftop screen such that it may not have to be equal to the height of the equipment based on where it is placed on the building. Concerned screens that match the height of equipment could add additional massing to the building appearance. 	<ul style="list-style-type: none"> Add an alternative allowance that the height of the roof screen may be up to 12" less than the height of the rooftop equipment so long as the equipment is not visible from adjacent property line(s) and any sidewalk(s) on the opposite side of the street. <p>See Pages 26 and 39 (same language in both locations) for detailed text in Attachment 1.</p>

Original Draft Amendment	EPC Recommendation and Feedback	Staff Recommendation
One Planning Application for New Development at a Time		
<ul style="list-style-type: none"> Limit one planning application for new development or redevelopment to be submitted for review at the same project site at a time per project. 	<ul style="list-style-type: none"> Remove the entirety of the proposed amendment to allow multiple, concurrent applications on a project site (Section 36.56.12 on Page 78 of Attachment 1). Developers should be allowed to submit multiple ideas and applications. With the City’s transition to online permitting, the public will be less confused as they can see the multiple applications online. If the applicant pays fees for service, they should be able to submit multiple applications. 	<p>Staff recommends retaining the original proposed amendment to not allow multiple project applications for new development on the same project site (see Page 78 in Attachment 1).</p> <p><u>Reasons for Recommendation:</u> It is a common practice to accept one planning application at a time for a new development site, discouraging multiple applications. This amendment merely clarifies this common practice.</p> <p>Allowing one application on a project site:</p> <ul style="list-style-type: none"> Does not discourage development ideas as City staff routinely work with applicants to develop the best proposals that balance the developers needs with alignment with community vision and City regulations; Is an efficient and effective way to move projects through the permitting process; and Is consistent with other cities, which discourage multiple applications, including the cities of Campbell, Fremont, and Los Altos.

Original Draft Amendment	EPC Recommendation and Feedback	Staff Recommendation
		<p>Allowing multiple applications on the same project site:</p> <ul style="list-style-type: none"> • Is an inefficient use of staff time, does not result in streamlined review, creates significant confusion within the community, complicates environmental review which now has to analyze multiple alternatives, and adds time and cost for the applicant; • Severely impacts the City’s ability to review Permit Streamlined applications within State mandated timelines since we do not have staffing levels to support multiple new development projects on the same site; • Reduces customer service levels; and • Could potentially drive applicants to “hedge their bets” and circumvent newly enacted City regulations by submitting subsequent applications while asking the City to continue studying their previous application(s).

FISCAL IMPACT—None.

CONCLUSION

The proposed City Code amendments are intended to ensure compliance with State law and Housing Element Program Policies 1.1 and 1.2 identified in the City’s 2023-2031 Housing Element, and provide clarifications to existing City regulations, current practices and procedures, and minor corrections to improve the clarity and consistency of Chapters 8, 25, 28, 32, 35, and 36 of the City Code. Once adopted, the Chapter 36 (Zoning) ordinance will be reviewed by the State Department of Housing and Community Development (HCD) for compliance with State ADU laws.

Should Council adopt the resolution to provide notice of its intent to override the ALUC determination, staff would transmit the resolution to the ALUC to provide a 30-day period for the ALUC to respond, as allowed under the Public Resources Code. Forty-five (45) days after notice of intent is provided, Council may adopt a resolution overriding the ALUC determination prior to Council’s second reading of the ordinance for the Chapter 36 (Zoning) amendments, which is currently anticipated on January 23, 2024.

ALTERNATIVES

1. Approve the City Code amendments with modifications, including any direction regarding the ALUC determination.
2. Request additional information from staff and continue the item.
3. Disapprove the City Code amendments. Disapproval of a portion of the City Code amendments in Chapters 8, 25, and 36 required by State law or the Housing Element will result in the City Code being inconsistent with State law. The City will continue to meet State law requirements.

PUBLIC NOTICING

Agenda posting, newspaper publication, posting on the City's [ADU webpage](#) and a copy of the report on the City website.

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- Attachments:
1. Ordinance Amending Chapter 36 (Zoning)
 2. Ordinance Amending Chapters 8, 25, 28, 32, and 35
 3. Resolution of Intention to Override ALUC Determination
 4. [Environmental Planning Commission Staff Report—November 1, 2023](#)
 5. Public Comments Received
 6. Letter to ALUC Dated November 15, 2023
 7. Detailed Description of Each Amendment
 8. Summary Table of Amendments