

**CITY OF MOUNTAIN VIEW****ENVIRONMENTAL PLANNING COMMISSION****STAFF REPORT****WEDNESDAY, OCTOBER 2, 2019****5. PUBLIC HEARINGS****5.2 Request for Minor Zoning Text Amendments to Chapter 36 (Zoning Ordinance) of the City Code and the R4 Multi-Family Standards Handout****RECOMMENDATION**

That the Environmental Planning Commission (EPC) adopt:

1. A Resolution Recommending that the City Council Approve Minor Zoning Text Amendments to Chapter 36 (Zoning Ordinance) of the City Code for Improved Clarity and Consistency with Legislative Updates, to be read in title only, further reading waived (Exhibit 1 to the Staff Report); and
2. A Resolution Recommending the City Council Approve Text Amendments to the R4 Multi-Family Standards, to be read in title only, further reading waived (Exhibit 2 to the Staff Report).

**PUBLIC NOTIFICATION**

The Commission's agenda is advertised on Channel 26, the agenda and this report appear on the City's Internet website and were posted in accordance with the Brown Act, and a notice for the item was published in the newspaper.

**BACKGROUND**

Staff periodically reviews Chapter 36 (Zoning Ordinance) of the City Code for clarity and consistency with existing City Code regulations and required updates per State or Federal law. Recent City Code updates and Federal legislation require minor code amendments to the Zoning Ordinance and R4 Multi-Family Standards Handout. Additionally, minor text amendments are proposed to increase clarity and reduce inconsistencies within the Zoning Ordinance (see Exhibit 3 for a table summary of draft amendments).

## ANALYSIS

The amendments discussed in this report are inclusive of all amendments proposed by staff. The amended sections of the Zoning Ordinance and R4 Multi-Family Standards Handout are included as an exhibit with redlined text and referenced in the corresponding discussions.

### Recent City Code Updates and Federal Legislation

Staff has incorporated amendments related to other City Code updates not located in the Zoning Ordinance and Federal legislative updates; both of which result in necessary updates to the Zoning Ordinance. The proposed text amendments include:

- ***Short-Term Rentals***—On November 13, 2018, the City Council adopted a Short-Term Rental Ordinance to establish regulations, business licensing, and taxation for short-term rentals of residential properties in the City, outlined in Chapter 44 of the City Code (Exhibit 4). Short-term rentals are permitted in all zoning districts in the City within a legal residential unit. To better guide the public inquiring about short-term rentals, City staff proposes to add Section 36.06.26 to the Zoning Ordinance to identify short-term rentals as an allowed residential use and refer interested parties to Chapter 44 for regulations (Page 1 of Exhibit 5). Staff is also proposing the addition of a definition for short-term rentals in Section 36.60.41, which aligns with the definition in Chapter 44 (Page 37 in Exhibit 5).
- ***Antenna or Communication Facilities***—California Public Utilities Code (CPUC) Section 7901 and the Federal Communications Act of 1996 establish the regulation framework for municipal review of telecommunication facilities on private or public properties and rights-of-way. Ultimately, CPUC Section 7901.1 permits cities to regulate the “time, place, and manner” of telecommunication services so long as city regulations do not prohibit telecommunication services or discriminate between carriers of any telephone services. As such, the City currently requires a discretionary zoning permit for new construction or modifications of antenna or communication facilities on private property or City rights-of-way.

However, in September 2018, the Federal Communications Commission (FCC) passed a declaratory ruling, known as “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” which specifically restricts cities’ regulatory authority of small wireless

facilities in the public right-of-way and on public property. This ruling provides expedited processing of permit applications (limits city review to 60 days for existing structure or 90 days on new structures), limits the fees that can be assessed for such a facility, and limits discretionary aesthetic criteria cities can apply to such facilities. This FCC action effectively requires cities to convert any discretionary application process for the review of communication facilities in the public right-of-way to a ministerial application process, mandating cities treat telecommunication providers in the same manner as other public utilities.

Because the Zoning Ordinance currently requires a discretionary zoning permit for communication facilities in the public right-of-way, staff proposes to amend the text to specifically exclude the City's rights-of-way in Sections 36.06.50(n) (Page 4 of Exhibit 5), 36.08.30(d) (Page 6 of Exhibit 5), and 36.44.65(b)(7) (Page 30 of Exhibit 5). These amendments will remove the zoning permit requirement for new or modified wireless facilities in the public right-of-way; however, these facilities will continue to be reviewed through the City's Public Works Department with an Excavation Permit in the same manner as other utility providers.

- ***R4 Multi-Family Standards Handout***—On April 30, 2019, the City Council adopted an Ordinance for a Zoning Text Amendment to the R4 (High-Density Residential) Zoning District to increase the allowed density from 60 dwelling units per acre to 80 dwelling units per acre, in conjunction with the 555 West Evelyn Avenue residential project. This project included 471 new apartments and a new 0.68-acre public park (see City Council Report in Exhibit 6). The project was reviewed by the EPC on April 3, 2019.

Staff is proposing to align the changes made to the R4 standards in the Zoning Ordinance with an amendment to the R4 Multi-Family Standards Handout to reflect the allowance of 80 units per acre (Exhibit 7).

### **Add Clarifications to Zoning Regulations**

Staff has also incorporated text amendments to clarify zoning requirements and remove inconsistencies for improved use of the Zoning Ordinance. The proposed text amendments include:

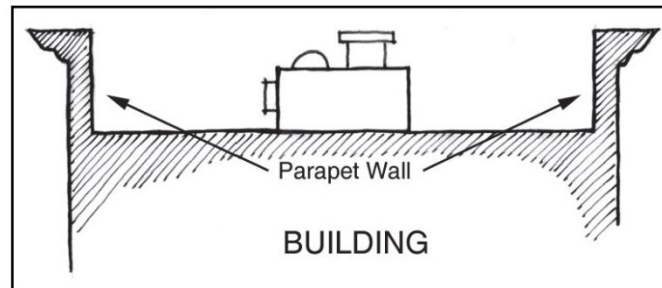
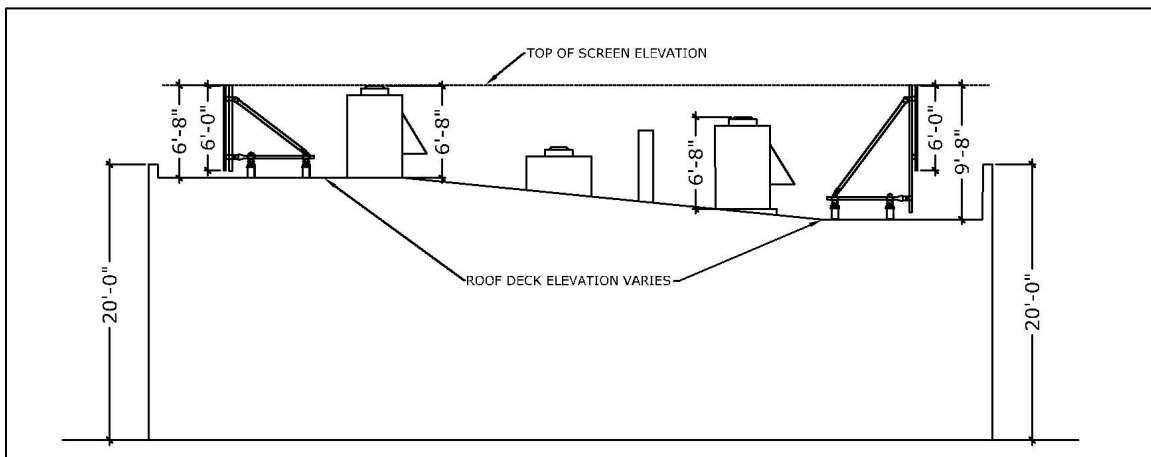
- ***Electric Vehicle (EV) Charging Stations and Other Parking Clarifications***—Assembly Bill (AB) 1236 from 2015 is California's EV charging station permit streamlining law that requires cities to expedite permitting of EV charging

stations. Currently, the City reviews EV charging stations through the building permit process, exempting them from a zoning permit per the State law. However, staff proposes to clarify this exemption by adding Section 36.06.50(p), Electric Vehicle (EV) Charging Stations, to a group of improvements that are exempt from zoning permit requirements, while also referring to Chapter 8 of the City Code for building permit requirements (Page 5 of Exhibit 5).

For clarity, staff also proposes adding text to Section 36.32.50 (“Required number of parking spaces”) to state the total number of parking spaces required for a specific land use is inclusive of EV charging spaces and accessible (ADA) spaces (Page 13 of Exhibit 5).

Additionally, staff proposes to modify the Parking Stall Striping graphic (Figure 36.32-2) in Section 36.32.80, “Development standards for off-street parking,” to accurately reflect the mathematical parking stall dimensions discussed in the Zoning Ordinance text. The City of Mountain View requires double-striping of all parking stalls to encourage drivers to visually align their vehicle in the stall to allow space for entering/exiting vehicles. The graphic currently reflects a dimension between double stripes of 12”, which is not feasible based on an 18” wide dimension overall (from outside edge-to-edge of the double stripe) and a 4” minimum stripe width (8” total). As a result, staff proposes modifying the 12” dimension to 10” from interior edge-to-edge of the stripe, so it equates to the 18” overall dimension (Page 19 of Exhibit 5).

- ***Rooftop Screening*** – Currently, a parapet wall is allowed to exceed the maximum building height of the zoning district where it is located by up to 4’ per Section 36.08.30(a) of the Zoning Ordinance. A parapet is a low wall that is part of the exterior wall of a building, which rises above the roof and is utilized to screen equipment or add an architectural detail or termination to the top of a building (see Figure 1). While no changes are proposed to this regulation, it does not account for separate roof screens placed on the interior portions of the rooftop to screen mechanical equipment, which may be more aesthetically appropriate for the architectural design of a building. A roof screen is an accessory element that is fastened into the roof structure that is typically placed interior to the building perimeter walls and is usually constructed of a material that can be painted, formed, and patterned to complement any building architectural style (see Figure 2).

**Figure 1 – Parapet****Figure 2 – Rooftop Screen**

Recently, there have been situations with new construction and major renovations where large HVAC equipment or elevator/staircase penthouses have required greater flexibility for additional building height for rooftop screening. Staff proposes to add Section 36.08.30(e) under the height exceptions section of the Zoning Ordinance to permit additional building height, up to 10', for rooftop screens in order to allow greater flexibility on a case-by-case basis (Page 6 of Exhibit 5). An applicant would be required to show through project plans (e.g., elevations, building cross-sections, etc.) that the additional height is the least amount needed beyond the maximum building height (up to 10' maximum) to cover the visibility of the rooftop equipment from all sides of the building.

To add further clarification, staff is also proposing to add text to Section 36.18.30(c) regarding rooftop equipment in the commercial zone development standards. This text will point interested parties to Section 36.08.30(e) discussed above related to the additional height allowance for rooftop screens (Page 8 of Exhibit 5).

- ***Residential Mechanical Equipment***—Today, mechanical equipment in the R1 (Single-Family Residential) Zoning District, such as an AC unit, is not explicitly identified in the accessory structure setback requirements. Historically, staff has applied the same setbacks for pool equipment in Section 36.12.55(d)(2) to any installation of mechanical equipment, which allows equipment to be 3' from the side or rear property line. To improve clarity, staff proposes to add Section 36.12.55(h) to separately identify mechanical equipment setback requirements within the accessory structure section; applying the same setbacks as pool equipment. Specifically, the requirements would not allow mechanical equipment in the front yard setback area or be visible from the public street. Additionally, the equipment can only be allowed in a street side yard setback area if located within a fenced yard (Pages 7 through 8 of Exhibit 5).
- ***Office Definitions***—Currently, there are multiple subcategory definitions for an office use in the Zoning Ordinance, and they are not all located under the office definition. Thus, staff proposes to relocate “Administrative Office” from the “A” section of the definitions to the “O” section of the definitions, where the other office subcategories are located. This will allow for easier readability of the definitions as they will all be located together (Page 34 of Exhibit 5).
- ***Industrial Land Use for Office***—The “office” land use category in the Industrial Land Use Table includes the sub-use of “Financial”; however, the associated definition is “banks and financial services,” which is listed as a separate use from office in the Commercial Land Use Table. Because the same definition applies to “Financial,” staff is proposing to rectify the inconsistency between the Commercial and Industrial Land Use Tables by amending the Industrial Land Use Table to remove “Financial” as an office sub-use, replace it with “Banks and financial services,” and list the use separate from office in the table. Staff also proposes to add a subcategory header of “Office” to clarify that general office is an allowed use. These format and renaming changes will improve consistency between the Commercial and Industrial Land Use Tables and directly correlate with the associated definition; the permit requirements will remain in place as existed with the “Financial” category (Page 12 of Exhibit 5).
- ***Signs***—Staff proposes to amend the sign regulations for the PF (Public Facilities), ML (Limited Industrial), and MM (General Industrial) Zones to separate requirements for permitted building-mounted signs and monument

(site) signs. Currently, the requirements between building-mounted signs and monument signs are duplicated. Staff proposes to clarify by retaining the applicable regulations under each sign type and deleting the regulations that are not applicable to that type of sign (Pages 25 through 27 of Exhibit 5). For example, building-mounted sign regulations apply to signs proposed to be installed on a building exterior wall, whereas sign height and placement are applicable to monument signs located on the ground along a driveway entrance or near the sidewalk.

## **ENVIRONMENTAL REVIEW**

The action to modify Chapter 36 for minor updates to the zoning text is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) because it includes text amendments related to recent legislation enacted by the State and City of Mountain View, and clarifications to existing administrative regulations and review procedures. Therefore, it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

## **NEXT STEPS**

Following a recommendation from the EPC at this public hearing, the proposed amendments and the EPC's recommendation will be presented at a City Council public hearing, tentatively scheduled for November 12, 2019.

## **CONCLUSION**

Staff recommends the EPC adopt a resolution recommending that the City Council approve and adopt an ordinance to amend Chapter 36 (Zoning Ordinance) with minor text amendments to increase clarity and reduce inconsistencies within the Zoning Ordinance and adopt a resolution to amend the R4 Multi-Family Standards Handout to reflect the adopted density modifications previously approved by the City Council.

## ALTERNATIVES

1. Adopt a resolution recommending approval of the Minor Zoning Text Amendments to Chapter 36 (Zoning Ordinance) and R4 Multi-Family Standards with modifications.
2. Request additional information or analysis and continue the item.
3. Adopt a resolution recommending denial of the Minor Zoning Text Amendments to Chapter 36 (Zoning Ordinance) and the R4 Multi-Family Standards.

Prepared by:

Erin Horan  
Assistant Planner

Lindsay Hagan  
Deputy Zoning Administrator

Approved by:

Stephanie Williams  
Planning Manager/  
Zoning Administrator

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~~837-10-02-19SR~~

- Exhibits:
1. Resolution Recommending Approval of Zoning Text Amendments
  2. Resolution Recommending Approval of R4 Multi-Family Standards
  3. Table Summary of Draft Amendments
  4. [City Council Report Dated October 9, 2018](#)
  5. Redlined Draft Ordinance
  6. [City Council Report Dated April 30, 2019](#)
  7. Redlined R4 Multi-Family Standards Handout