

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 36 OF THE MOUNTAIN VIEW CITY CODE TO REMOVE THE TRANSIT (-T) DISTRICT AND TRANSIT-ORIENTED DEVELOPMENT PERMIT FROM CHAPTER 36 OF THE CITY CODE

WHEREAS, Chapter 36 in the Mountain View City Code sets forth a procedure whereby the City can amend the City's Zoning Ordinance (Chapter 36 of the City Code); and

WHEREAS, the City Council initiated a rezoning of the East Whisman Change Area and Middlefield-Whisman Village Center to implement 2030 General Plan goals and policies for the area; and

WHEREAS, the Transit (-T) District and Transit-Oriented Development Permit apply only within the East Whisman Change Area; and

WHEREAS, the East Whisman Precise Plan supersedes the Transit (-T) District and Transit-Oriented Development Permit; and

WHEREAS, Chapter 36 of the Mountain View City Code requires that both the City's Environmental Planning Commission and City Council hold a duly noticed public hearing before the City's Zoning Ordinance is amended; and

WHEREAS, the Environmental Planning Commission held a public hearing on October 2, 2019 and adopted a resolution recommending approval of Zoning Text Amendments pursuant to Section 36.52.55 of the City Code; and

WHEREAS, the City Council held a public hearing on November 5, 2019 on said Zoning Text Amendments pursuant to Section 36.52.55 of the City Code;

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

Section 1. City Council Findings. The City Council finds and determines, at a duly noticed public hearing on November 5, 2019, that the following Zoning Text Amendments are consistent with the General Plan of the City of Mountain View based upon the following findings made pursuant to Section 36.52.70 of the City Code:

a. The proposed Text Amendment is consistent with the General Plan because the development standards and policies supported by the Transit Floating District and

Transit-Oriented Development Permit have been superseded by the General Plan’s East Whisman Change Area policies, form and character, and Land Use Designations; and

b. The proposed Text Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the East Whisman Precise Plan will implement similar policies and objectives as the Transit Floating District and Transit-Oriented Development Permit but with different strategies and at higher intensities; and

c. The proposed Text Amendment is internally consistent with Chapter 36 of the Mountain View City Code, because no other section references the Transit Floating District or Transit-Oriented Development Permit; and

d. The proposed Text Amendment complies with the California Environmental Quality Act (CEQA) because the amendment repeals a zoning district with no applicable sites and a permit type with no applicable zoning district, so it has no potential for having an effect on the environment consistent with Section 15061(b)(3) of the CEQA Guidelines.

Section 2. Chapter 36, Article II, Division 1, Section 36.04 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.04. - Zoning districts established.

Mountain View shall be divided into zoning districts that consistently implement the General Plan. The following zoning districts are established, and shall be shown on the official Zoning Map:

ZONING DISTRICT	MAP SYMBOL	SEE SECTION
Residential Zones		
Residential – Single-Family	R1	May include a suffix (e.g., R1-7); 36.10.10
Residential – One- and Two-Family	R2	May include a suffix (e.g., R2-9); 36.10.40
Residential – Multiple-Family	R3	Always includes a suffix (e.g., R3-2); 36.10.60
Residential – High-Density Multiple-Family	R4	36.12
Mobile Home Park	RMH	36.12.15

ZONING DISTRICT	MAP SYMBOL	SEE SECTION
Commercial Zones		
Commercial – Neighborhood	CN	36.18.35
Commercial – Office	CO	36.18.40
Commercial/Residential – Arterial	CRA	36.18.45
Commercial – Service	CS	36.18.55
Industrial Zones		
Limited Industrial	ML	36.20.25
General Industrial	MM	36.20.35
Special-Purpose Zones		
Planned Community	P	36.22
Agricultural	A	36.24
Public Facility	PF	36.24.35
Flood Plain	F	36.26
Interim	U	36.26.35
Overlay Zones		Always preceded with a primary zoning district designation (e.g., R1-H1)
Height Limitation	-H	Always includes a suffix (e.g., R1-H1S); 36.26.65
Neighborhood Design	-ND	36.26.80
Special Design	-SD	36.26.85
Transit	T	36.26.90
Village Center	-VC	36.26.95''

Section 3. Chapter 36, Article VIII, Section 36.26.90 of the Mountain View City Code is hereby repealed.

Section 4. Chapter 36, Article XVI, Division 1, Section 36.44.15 b.1. of the Mountain View City Code is hereby amended to read as follows:

“1. Make recommendations to the city council on planned community permits when specified by a precise plan ~~and transit-oriented development permits as specified by the transit (T) zoning;~~”

Section 5. Chapter 36, Article XVI, Division 1, Section 36.44.15 b.3.(j) of the Mountain View City Code is hereby amended to read as follows:

“ (j) Planned community permits when allowed by a precise plan ~~and transit-oriented development permits when allowed by the transit combining (T) zoning;~~”

Section 6. Chapter 36, Article XVI, Division 1, Section 36.44.35 a.3. of the Mountain View City Code is hereby amended to read as follows:

“3. Planned community permits ~~and transit-oriented development permits~~ when specified within the applicable precise plan ~~or transit combining zone;~~”

Section 7. Chapter 36, Article XVI, Division 2, Section 36.44.65 b. and c. of the Mountain View City Code is hereby amended to read as follows:

“b. **Zoning administrator procedures.** In addition to the authority to take final action on variances, conditional use permits and other special property development permits, the zoning administrator is responsible for making development review recommendations to the city council on planned community permits when specified by a precise plan ~~and transit-oriented development permits when specified by the transit combining (T) zoning,~~ overseeing the development review committee and making final decisions on applications for the following:

1. New construction and/or major remodeling or site plan modifications when in full compliance with the provisions of this chapter;

2. Single-family structures and additions where a floor area ratio exception is requested;

3. Minor adjustment to design/site consideration of an approved permit from a public hearing, which does not result in a reduction from any standard outlined in this chapter or change any special conditions adopted by the council, including, but not limited to:

(a) On-site circulation and parking, loading and landscaping;

(b) Placement and/or height of walls, fences and structures; and

(c) Minor changes to architectural features and/or modification of finished materials and colors that do not alter or compromise the previously approved theme.

4. Development review associated with applications for variances, conditional use permits, temporary use permits and planned unit developments.

5. Changes of use in commercial, office and industrial zoning districts which are in compliance with this chapter, but may impact adjacent properties, including, but not limited to, proposals for outdoor storage adjacent to a residential zoning district; outdoor seating at an existing restaurant; or changes in parking lot lighting which may generate off-site glare;

6. Fences which exceed six (6) feet in height, but do not exceed seven (7) feet, in a residential zoning district where the applicant cannot provide the community development department with letters of agreement from all adjacent property owners.

7. Antenna or communication facilities in all zoning districts, including public right-of-way.

8. Public projects involving permanent new buildings.

c. **City council.** The city council shall make a final development review determination on a planned community permit when the precise plan requires council approval, and a planned unit development when it is accompanied by a tentative map ~~and a transit-oriented development permit when the T-zone requires council approval.~~ The city council is the final appeal body of zoning administrator determinations."

Section 8. Chapter 36, Article XVI, Division 8 of the Mountain View City Code is hereby repealed.

Section 9. Chapter 36, Article XVI, Division 16, Section 36.56.45 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.56.45. - Effective date.

Development review approvals, temporary use permits, variances, planned unit development permits, conditional use permits, mobile home park permits, ~~transit-oriented development permits,~~ special design permits and planned community permits shall become effective ten (10) days following the date that the findings are adopted by

the appropriate review authority. Precise plans, general plan amendments, zoning ordinance/map amendments, and development agreements shall become effective thirty (30) days following the final date of action (e.g., adoption) by the council.”

Section 10. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 11. 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 12. 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.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this document must be sought is governed by California Code of Procedure Section 1094.6 as established by Resolution No. 13850 adopted by the City Council on August 9, 1983.

EA/2/ORD
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