

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION

STAFF REPORT

FEBRUARY 16, 2022

5. PUBLIC HEARINGS

5.1 Consideration of Text Amendments to Chapter 28 (Subdivisions) and Chapter 36 (Zoning) of the City Code to Establish Procedures and Standards Related to Urban Lot Splits and Dual Urban Opportunity (DUO) Developments in compliance with California Senate Bill 9 and Other Minor Text Amendments to Chapter 36 Related to Inactive Permit Applications

RECOMMENDATION

That the Environmental Planning Commission:

1. Find the proposed ordinances implementing Senate Bill 9 to be statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and the Minor Text Amendments to be exempt under CEQA Guidelines Section 15061(b)(3) as clarifications to existing code requirements and procedures.
2. Recommend the City Council adopt an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Establish Procedures and Standards Related to Dual Urban Opportunity (DUO) Developments and Urban Lot Splits in Compliance with Senate Bill 9 and to Make Other Minor Amendments Related to Inactive Permit Applications (Exhibit 1 to the EPC Staff Report).
3. Recommend the City Council adopt an Ordinance of the City of Mountain View Rescinding Mountain View City Code Chapter 28, Subdivisions, in its Entirety, and Replacing it with a New Chapter 28 of the Mountain View City Code to Reorganize and Renumber the Chapter and to Include Procedures and Standards Related to Urban Lot Splits in Compliance with Senate Bill 9 (Exhibit 2 to the EPC Staff Report).

PUBLIC NOTIFICATION

The Environmental Planning Commission's (EPC'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. A notice for the item was also published in the newspaper.

BACKGROUND

California Senate Bill 9 ([SB 9](#)) requires ministerial approval of certain housing development projects and lot splits on an R1 (Single-Family Residential) zoned property. SB 9 was passed by the California Legislature on September 1, 2021, signed into law by Governor Newsom on September 16, 2021, and took effect January 1, 2022.

SB 9 requires approval of the following:

- **Two-unit housing development.** Two homes on an eligible R1 lot (whether the proposal adds two new housing units or adds one new unit to one existing unit).
- **Urban lot split.** A one-time subdivision of an eligible R1 lot into two lots. This would allow up to four units (two units on each lot).

These provisions must be used in concert with existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations, which is discussed in detail later in this report. SB 9 also outlines how jurisdictions must review and approve SB 9 projects: jurisdictions must review SB 9 projects without discretionary review or public hearing; may only apply objective zoning, subdivision, and design standards; and these standards may not preclude the construction of up to two units of at least 800 square feet each on each lot.

This law is similar to recent State ADU legislation in that it allows jurisdictions to apply local objective standards, as long as they do not prevent the development of new small homes. Preliminary market analysis prepared by the Turner Center for Housing Innovation predicts SB 9's primary impact result from the splitting and sale of lots by homeowners and will lead to modest increases in additional units because homeowners already have similar development potential under ADU law. To date, the City has received two applications for urban lot splits possible under SB 9.

ANALYSIS

The following is a summary of the proposed City Code amendments to align Mountain View's regulations with what is required under State law. The City could be more permissive than what State law requires, but staff is proposing to align the

requirements with the minimum requirements of SB 9. The complete set of proposed City Code amendments can be found in Exhibit 3 and Exhibit 4.

Urban Lot Splits

The R1 Zoning District currently allows for a two-lot subdivision through discretionary approval of a preliminary parcel map by the City's Subdivision Committee and subsequent recordation of a parcel map. Pursuant to SB 9, eligible R1-zoned lots may be subdivided into two lots through a ministerial process, or a process which does not require discretionary review or public hearing. This type of subdivision is defined in the proposed City Code amendments as an "urban lot split."

Staff is proposing amendments to Chapters 36 (Zoning) and 28 (Subdivisions) to establish standards and procedures for urban lot splits as follows.

Urban Lot Split Eligibility Criteria

SB 9 and the City-proposed regulations have the following eligibility criteria for lots which seek to do an urban lot split:

- a. Size: The lot to be split shall contain a minimum of 2,400 square feet. The resulting lots shall each contain a minimum of 1,200 square feet. Each of the resulting lots shall be between 60% and 40% of the original lot area.
- b. Historic. The lot to be subdivided shall not contain a historic resource or be located within a historic district.
- c. Withdrawal from rental market. At no time in the past 15 years may the lot to be subdivided have contained a dwelling unit that was withdrawn from the market for rental or lease under the Ellis Act.
- d. Demolition or alteration of protected units. The urban lot split shall not result in the demolition or structural modification of any portion of an existing dwelling unit that:
 1. Is protected by a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very-low income;

2. Is protected under the City of Mountain View Community Stabilization and Fair Rent Act (CSFRA); or
 3. Has been occupied by a tenant within the three years prior to the submittal of an application for an urban lot split.
- e. Lot location. The lot to be subdivided shall not be located on a site that is any of the following:
1. Prime farmland, farmland of Statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters;
 2. Wetland;
 3. Within a very-high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards;
 4. A hazardous waste site that has not been cleared for residential use;
 5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards;
 6. Within a 100-year flood hazard area, unless the site has either been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency (FEMA) and issued to the local jurisdiction, or meets FEMA requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program;
 7. Within a regulatory floodway, unless all development on the site has received a no-rise certification;
 8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;
 9. Habitat for protected species; or
 10. Land under a conservation easement.

- f. No prior lot split. The lot to be subdivided shall not be a lot that was established through a prior urban lot split.
- g. Subdivision of adjacent parcels. The lot to be subdivided shall not abut any lot that was previously subdivided through an urban lot split by the owner of the lot proposed to be subdivided or any party acting in concert with the owner. For the purpose of this section, any party acting in concert with the owner shall include any individual with a familial relation to the property owner (including, but not limited to, parents, children, siblings, and spouses) or any business entity in which the property owner has more than 10% ownership.

Urban Lot Split Requirements

An eligible R1-zoned property can only be subdivided into two roughly proportional lots. To ensure rough proportionality, SB 9 specifies one lot cannot be less than 40% the size of the original lot to be subdivided and a minimum lot size of 1,200 square feet. Additionally, the following restrictions and requirements apply to urban lot split applications:

- Cannot require dedication of right-of-way or construction of off-site improvements (such as installation of new street improvements);
- May require that lots have direct access to a public right-of-way;
- May require easements for public services and facilities (e.g., utilities); and
- Must require the applicant to sign an affidavit acknowledging the applicant intends to reside in one of the properties as their primary residence for at least three years after the date of the subdivision.

Urban Lot Split Configurations

Table 1 compares the existing and new minimum urban lot split subdivision standards.

Table 1: Lot Standards

Lot Standards	Existing R1	New Urban Lot Splits
Minimum Size	6,000 square feet (7,000 square feet for corner lots)	40% of the size of the lot being subdivided, but no less than 1,200 square feet
Minimum Width	60' (70' for corner lots)	30'
Minimum Frontage	35'	16'

When subdividing a lot, the street frontage requirement largely dictates the subdivision configuration. Figure 1 demonstrates two possible ways to subdivide a typical single-family lot into two roughly proportional lots with the minimum lot standards.

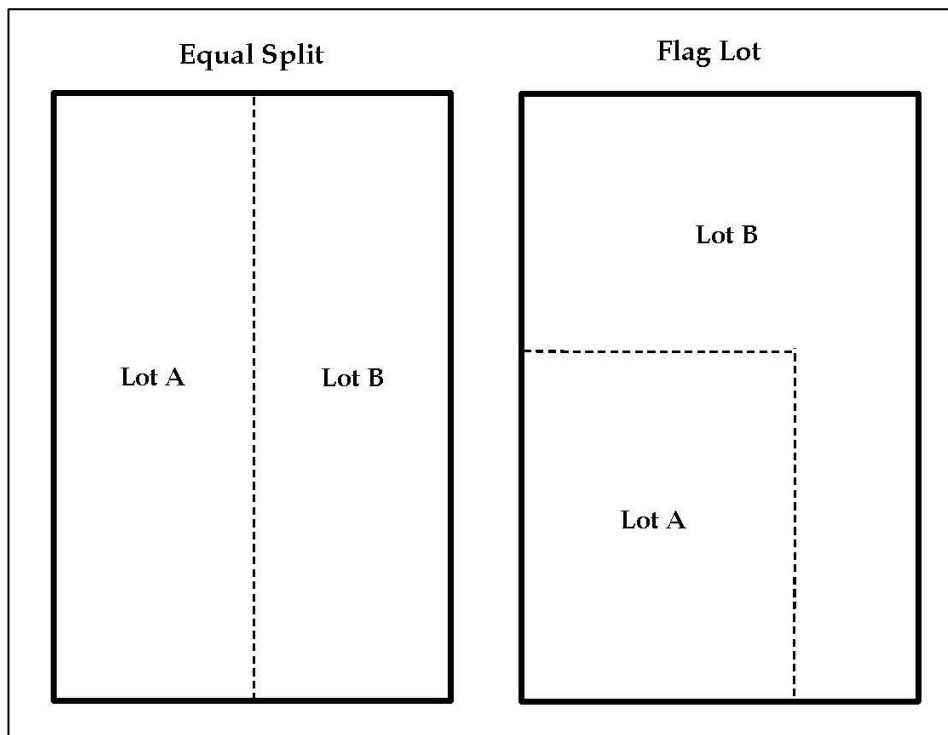


Figure 1: Example Urban Lot Split Configurations

Staff recommends any lot created by a lot split shall maintain a minimum frontage with direct access to the public right-of-way of 16'. This recommendation stems from existing City regulations for flag lots in the R1 Zone. The intent of the minimum frontage standard is to ensure that a flag lot will have permanent access

to the street and to prevent maintenance issues or disputes that could arise if the access was provided by way of an easement across the property fronting the street.

In order to prevent the creation of irregularly shaped lots, staff recommends a minimum width of 30' for lots created through an urban lot split. Lastly, to ensure adequate public services and facilities to lots created by urban lot splits, staff recommends requiring utility and public facility easements on an as-needed basis.

City Procedures for Urban Lot Splits

Urban lot split applications must be approved through a ministerial process. Staff proposes to amend Chapter 28 (Subdivisions) of the City Code to establish procedures and submittal requirements for urban lot splits which align with this requirement, which include a ministerial Preliminary Parcel Map and subsequent Parcel Map.

Dual Urban Opportunity (DUO) Developments

In addition to urban lot split provisions, SB 9 requires local agencies to allow the development of two dwelling units on eligible R1-zoned lots. In order to allow this development type, staff proposes to create a new land use type, "Dual Urban Opportunity (DUO) development," as a permitted use in the R1 District, which will appear in the Residential Land Use Table. The DUO development provisions could be used in concert with the urban lot split standards, resulting in a maximum potential to create up to a total of four primary dwelling units on a qualifying R1 lot. In other words, if a lot is subdivided by an urban lot split, each resulting lot may contain two primary dwelling units.

Mandatory Development Standards for DUO Developments

SB 9 includes the following mandatory development standards that all local jurisdictions must implement:

- No more than 4' side and rear setbacks for new structures; no minimum setbacks for retention of existing structures;
- Minimum unit size of 800 square feet;
- No more than one parking space per unit; however, properties within a one-half-mile walking distance of high-quality transit or major transit stops, as

defined by State law, or within one block of a car-share vehicle location, do not need to provide parking; and

- Cannot require the correction of existing nonconforming zoning conditions or deny a development due to existing nonconforming conditions.

Aside from these mandatory standards, SB 9 provides some discretion for jurisdictions to adopt objective development standards for the development of units, if the standards do not preclude the development of two units meeting the minimum size and maximum setbacks.

Proposed Additional Development Standards for DUO Developments

Although SB 9 allows cities to create objective development standards, SB 330, as amended by SB 8 in 2021 (Housing Crisis Act of 2019), limits the ability for cities to add new standards. Specifically, the Housing Crisis Act prohibits cities from reducing the intensity of land use within an existing residential zoning district below what was allowed and in effect on January 1, 2018. Reducing intensity includes, but is not limited to: reductions to height, density, or floor area ratio (FAR); new or increased open space or lot size requirements; new or increased setback requirements, minimum frontage requirements, or maximum lot coverage; or any standard that would lessen the intensity of housing. For this reason, staff proposes to largely maintain existing R1 development standards for DUO Developments and only adjust those standards where SB 9 establishes either more restrictive standards (e.g., occupancy acknowledgements) or less restrictive standards (e.g., setbacks).

Table 2 compares existing R1 District development standards for new single-family homes with the proposed standards for DUO Developments, identifying differing standards.

Table 2: R1 District Development Standards

Standard	Single-Family (One-Unit) Standards		DUO Development (Two-Unit) Standards
Floor Area Ratio (FAR)	Ranges from 0.4 to 0.45 based on lot size		Same
Front Setback	20' minimum		Same
Side Setback	First Story	Ranges from 5' to 7' based on lot size	4' minimum
	Second Story	Ranges from 5' to 12' based on lot size	4' minimum

Standard	Single-Family (One-Unit) Standards		DUO Development (Two-Unit) Standards
	Street Side	15' minimum	4' minimum
Rear Setback	First Story	20% of lot depth, but at least 15' and no more than 40'	4' minimum
	Second Story	25% of lot depth, but at least 20' and no more than 40'	4' minimum
Height	28' maximum		Same
Required Landscaping	50% of the required front setback area shall be permanently landscaped.		25% of the required front setback area shall be permanently landscaped.
Second-Story Decks	Permitted along front or rear facades up to 150 square feet in aggregate area.		Not permitted on newly-constructed DUO development units.
Parking	Two (2) parking spaces, one of which must be covered.		One (1) covered parking space, unless certain exceptions are met.

The draft ordinance includes language to specify that if a development standard precludes the construction of an otherwise compliant DUO development, consisting of two 800 square foot units with 4' side and rear setbacks, the development standard will be waived.

Because the side and rear setbacks for DUO developments will be reduced, staff proposes to prohibit the construction of second-story decks in association with newly constructed units associated with a DUO development proposal. This prohibition on second-story decks is consistent with SB 330 requirements as it would not lessen the potential for additional housing units (intensity) on any lot. However, prohibiting second-story decks will reduce potential privacy concerns resulting from the reduced setback requirements for DUO developments.

Since SB 9 will allow for smaller lots than what the existing City Code allows and/or two primary dwellings on one lot, staff proposes to reduce the minimum landscape coverage requirement within the front setback area from 50% to 25%. This standard will allow for the provision of on-site parking and paved pedestrian access to the units on smaller lots, while ensuring that a portion of the front yard be permanently landscaped.

Similar to recent ADU law, SB 9 also allows cities to require no more than one parking space per unit, except that no parking shall be required if:

- a. The parcel is located within one-half mile walking distance of a high-quality transit corridor, as defined in the California Public Resources Code;
- b. The parcel is located within one-half mile walking distance of a major transit stop, as defined in the California Public Resources Code; or
- c. There is a car-share vehicle parking space located within one block of the lot.

The proposed ordinance includes amendments to the required parking by land use table to establish parking requirements for DUO developments, as well as the parking exemption described above.

DUO Development Eligibility

SB 9 establishes the following eligibility requirements for any DUO development proposal. Similar to the urban lot split requirements, the intent is to protect historic resources and existing rental housing stock by prohibiting or restricting the following:

- a. A historic property may not be developed with a DUO development;
- b. A DUO development may not result in the demolition or alteration of any existing residential unit that:
 - Is protected by a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very-low income; or
 - Has been occupied by a tenant within three years prior to the application submittal to the City for the DUO development (e.g., building permit).

City Procedures for DUO Developments

DUO developments must be approved through a ministerial process. Staff proposes the review and permitting of DUO developments through issuance of a building permit, similar to the existing review procedures for single-family homes in the R1 District, duplexes in the R2 District, and ADUs/JADUs in all residential zoning districts.

SB 9 and Accessory Dwelling Units

Current City regulations allow for three units – one primary unit, one ADU, and one JADU – on each single-family (R1) property. The ADU can be attached or detached, and can be up to 1,000 square feet. The JADU must be within the walls of the primary unit and cannot exceed 500 square feet. Neither the ADU nor the JADU can be sold as a separate unit.

The provisions of SB 9 are utilized in concert with existing ADU and JADU regulations, but do not require local agencies to allow any R1 lot to be developed with more than four units, inclusive of ADUs and JADUs. Based on staff's recommendation to strictly comply with SB 9, the following development scenarios will be possible when the existing ADU and JADU provisions are applied with the provisions of SB 9:

- Primary Units. No more than two primary dwelling units will be permitted on a single existing R1 lot or newly created lot through an urban lot split.
- Primary/ADU/JADU combinations on R1 lots that are not established through an urban lot split. For existing R1 lots that are not established through an urban lot split, a second primary unit will be allowed. Additionally, accessory dwelling units will be allowed as follows:
 - Two accessory dwelling units;
 - Two junior accessory dwelling units; or
 - One accessory dwelling unit and one junior accessory dwelling unit.

This will bring the total number of allowable units to a maximum of four (inclusive of primary units, accessory dwelling unit, and junior accessory dwelling unit).

- Primary/ADU/JADU combination on lots created through an urban lot split. For lots that are established through an urban lot split, in addition to a primary dwelling unit, a second primary unit, or an accessory dwelling unit or junior accessory dwelling unit, may also be allowed for a maximum of two units per resulting lot (inclusive of primary units, accessory dwelling unit, and junior accessory dwelling unit).

The following graphic demonstrates different ways in which the four units allowed under SB 9 can be achieved.

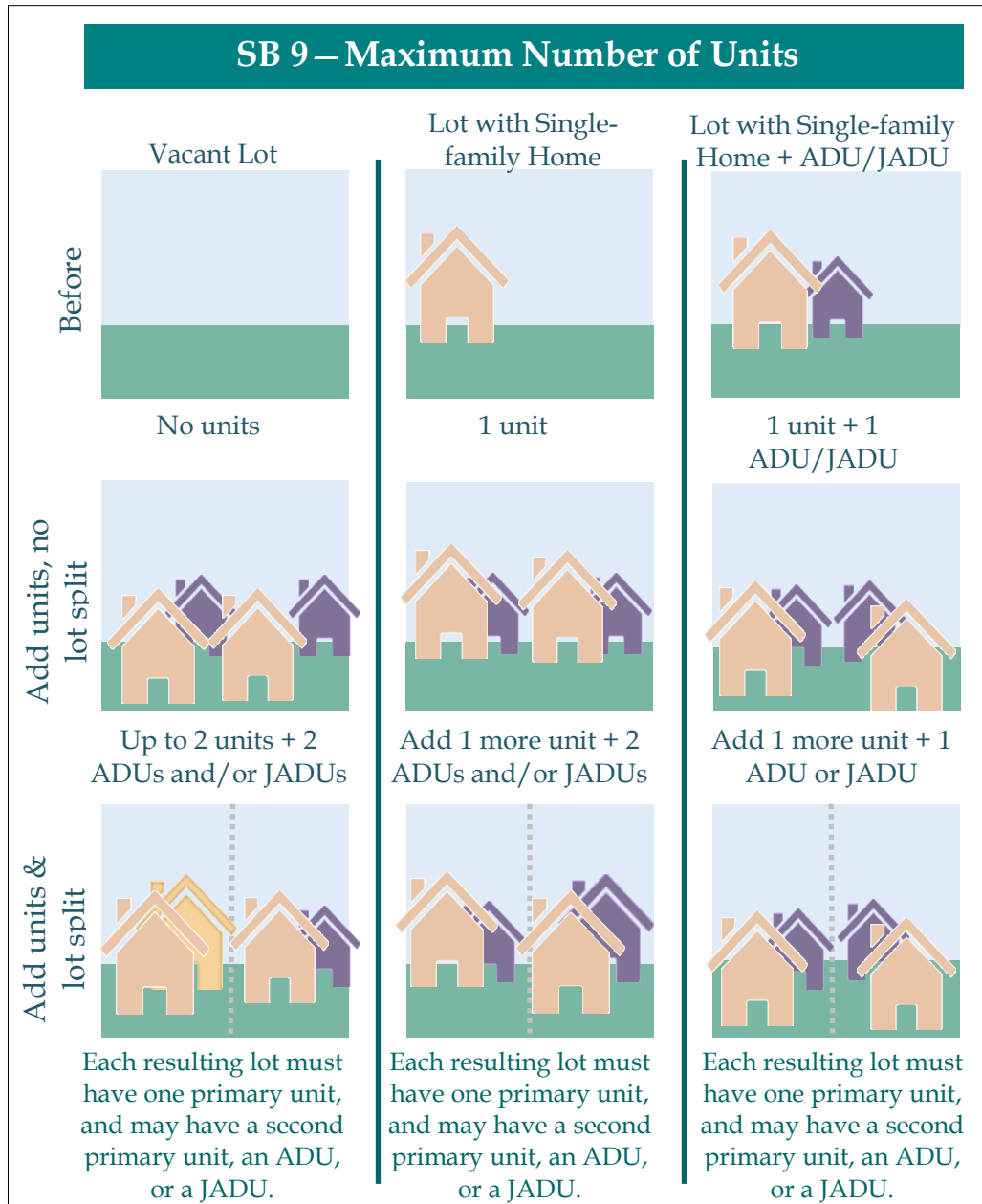


Figure 2: SB 9 Maximum Number of Units

Neighboring Cities

In preparing these draft amendments, staff conferred with neighboring cities and reviewed their SB 9 implementation ordinances. Most of the ordinances staff was able to review were urgency ordinances adopted prior to SB 9 taking effect at the beginning of this year and not their final City Code revisions which are anticipated in early 2022.

In general, our neighboring cities, including San Jose, Sunnyvale, Saratoga, Campbell, and Palo Alto, are limiting the number of units to four units maximum per lot (including primary units and ADUs/JADUs) consistent with the minimum requirements of State law and our proposed draft ordinance amendments.

The following table summarizes the maximum numbers of ADUs and JADUs our neighboring cities have permitted within their ordinances. The information in this table could change as cities adopt final code amendments:

Table 3: Neighboring Cities – Maximum Number of Units

Jurisdiction	Maximum Number of Units Allowed		
	Two-unit development (no urban lot split).	Urban lot split with one primary dwelling unit per lot.	Urban lot split with two-unit development proposed on each resulting lot.
San Jose	1 attached ADU or 2 detached ADUs. No JADUs.	1 ADU or 1 JADU per lot.	No ADU or JADU.
Sunnyvale	2 ADUs.	1 ADU or 1 JADU per lot.	No ADU or JADU.
Saratoga	1 ADU and 1 JADU.	1 ADU or 1 JADU per lot.	No ADU or JADU.
Campbell	<u>If primary units are attached:</u> Two ADUs. <u>If primary units are detached:</u> One ADU or one JADU for each primary unit.	1 ADU or 1 JADU per lot.	No ADU or JADU.
Palo Alto	2 detached ADUs.	1 ADU or 1 JADU per lot.	No ADU or JADU.

Renumbering of Chapter 28 (Subdivisions)

The amendments to Chapter 28 required to implement SB 9 necessitate renumbering of the chapter. Staff is proposing to rescind the chapter in its entirety and replace it with a new Chapter 28 to transition to a numbering convention that will allow for greater flexibility for future City Code amendments. Chapter 28 is shown in its entirety as

Exhibit 2. For clarity, staff has shown substantive changes and renumbering as red-lined text, while the remainder of the chapter is shown as gray underlined text.

Other Minor Zoning Code Amendments

Inactive Permit Applications

In addition to amendments to comply with SB 9, staff is proposing a minor amendment within the administration section of the Zoning Code related to the closure of inactive planning permit applications. This section would establish that any formal permit application which has been inactive for three (3) months shall be deemed withdrawn and allow staff to close the application. The amendment clarifies an application is considered inactive when a formal resubmittal that is substantially responsive to the City's completeness/comment letter has not been submitted. Once an application is deemed withdrawn, the applicant would be required to submit a new application and fees in compliance with the City's application submittal requirements. Staff is proposing this amendment in order to ensure the timely processing of planning permits and to ensure projects are designed in compliance with the most recent applicable standards and requirements.

ENVIRONMENTAL REVIEW

Pursuant to Government Code §§66411.7(n) and 65852.21(j), an ordinance adopted to implement SB 9 is Statutorily Exempt under CEQA.

The other minor code amendment for inactive permit applications is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (Common Sense Exemption). It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and the activity is not subject to CEQA as the amendment is related to application procedures.

NEXT STEPS

The EPC recommendation on the proposed amendments will be presented to the City Council at a public hearing tentatively scheduled for March 22, 2022.

A City webpage pertaining to the City's implementation of SB 9 is currently available. Following adoption of the proposed amendments, staff will create informational guides related to urban lot splits and DUO developments for the public, similar to what has been prepared for ADU regulations.

Over the next year, staff will be tracking permits submitted under the provisions of SB 9 and evaluating if there are any minor modifications to the regulations that may be prudent to clarify the requirements. Staff will also be tracking any potential referendum that may arise pertaining to SB 9 and would bring recommendations regarding potential City Code revisions or policy changes as a result of a referendum to EPC and Council for discussion and recommendation.

CONCLUSION

Staff recommends the EPC recommend Council approve the proposed text amendments to comply with California Senate Bill 9 and to establish clear procedures and expectations for the automatic closure of inactive permit applications.

ALTERNATIVES

1. Recommend approval of the City Code Text Amendments with modifications.
2. Request additional information from staff and continue the item.
3. Recommend disapproval of the City Code Text Amendments.

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BW-SW/1/CDD
840-02-16-22SR

- Exhibits:
1. Draft Ordinance Amending Chapter 36 (Zoning)
 2. Draft Ordinance Amending Chapter 28 (Subdivisions)
 3. Summary Table of Amendments to Chapter 36 (Zoning)
 4. Summary Table of Amendments to Chapter 28 (Subdivisions)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 36 (ZONING) OF THE CITY CODE TO ESTABLISH
PROCEDURES AND STANDARDS RELATED TO DUAL URBAN OPPORTUNITY
(DUO) DEVELOPMENTS AND URBAN LOT SPLITS IN COMPLIANCE WITH
SENATE BILL 9 AND TO MAKE OTHER MINOR AMENDMENTS RELATED TO
INACTIVE PERMIT APPLICATIONS TO MAKE OTHER MINOR AMENDMENTS
RELATED TO INACTIVE PERMIT APPLICATIONS

WHEREAS, on September 16, 2021, the State of California enacted legislation known as Senate Bill 9 ("SB 9"), which added Sections 65852.21 and 66411.7 to the California Government Code, to require local public agencies, beginning January 1, 2022, to ministerially approve lot splits and the construction of two (2) primary dwelling units on single-family zoned lots meeting certain conditions; and

WHEREAS, this Ordinance amends the Zoning Code, Chapter 36 of the Mountain View City Code, and, together with a companion ordinance amending Chapter 28 considered concurrently, implements the requirements of SB 9; and

WHEREAS, procedures set forth in Chapter 36, Article XVI, Division 13 of the Mountain View City Code, whereby the City can amend Chapter 36, have been executed; and

WHEREAS, Chapter 36 of the Mountain View City Code requires the City's Environmental Planning Commission and City Council each hold a duly noticed public hearing regarding any proposed amendment(s) to Chapter 36; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on February 16, 2022 and recommended the City Council approve this Ordinance amending Chapter 36; and

WHEREAS, the City Council held a public hearing on _____, 2022 and received and considered all evidence presented at said hearing regarding the amendment(s) to Chapter 36 in this Ordinance, including the recommendation from the Environmental Planning Commission, City Council report, project materials, testimony, and written materials submitted; and

WHEREAS, prior to approval and adoption of this Ordinance, Council found the Ordinance to be statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n)

as to the amendments implementing SB 9, and exempt under CEQA Guidelines Section 150161(b)(3) as to the amendments clarifying the procedures related to inactive permit applications;

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

Section 1. Council Findings. The City Council finds and determines that Chapter 36 (Zoning) of the City of Mountain View should be amended as follows, pursuant to the required findings in Section 36.52.70 of the City Code:

a. The proposed amendment is consistent with the General Plan because it supports the policies of the 2015-23 Housing Element by encouraging a mix of housing types at a range of densities that serve a diverse population, including both first-time and move-up buyers, and with the land-use policies and action plan of the 2030 General Plan because it updates the Zoning Ordinance to address outdated or inconsistent policies with legislative updates by the City, State, or Federal agencies;

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the proposed amendment will facilitate implementation of the State law and will include provisions for an applicable project to be denied if the Chief Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project and/or subdivision would have a specific, adverse impact, as defined and determined in the California Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact;

c. The proposed amendment is internally consistent with Chapter 36 of the Mountain View City Code; and

d. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the proposed amendments to implement SB 9 are statutorily exempt under CEQA, pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and the other minor amendments comply with CEQA, pursuant to Section 15061(b)(3), as text clarifications to existing code requirements and procedures.

Section 2. Chapter 36, Article III, Division 2, Section 36.06.50, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.06.50. - Exemptions from zoning permit requirements.

The zoning permit requirements of this Chapter do not apply to the following activities, land uses and structures, which are permitted in all zoning districts.

a. Accessory dwelling units and junior accessory dwelling units. Accessory dwelling units, as defined in Sec. 36.60.05, or junior accessory dwelling units, as defined in Sec. 36.60.23, shall be designed in compliance with Sec. 36.12.60 through Sec. 36.12.120.

b. **Accessory structures with less than one hundred twenty (120) square feet in floor area.** One (1) story detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet, and the structure is not required to have building or grading permits by Chapter 8 (Buildings) of the ~~City Code~~. However, the floor area shall count toward the allowed floor area for the parcel, and the structure(s) shall comply with Sec. 36.12.35.

c. **Antennas, communication facilities.** Communication facilities and antennas, as defined in Sec. 36.60.03, are allowed in all zoning districts subject to a development review permit (Sec. 36.44.45), unless prohibited by state and/or federal law, and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This Section shall apply to any facility proposed within a city zoning district, excluding the city’s rights-of-way. All of the aspects enumerated in Government Code § 65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

d. **Decks, paths and driveways.** Decks, platforms, on-site paths and driveways that are not required to have building or grading permits by Chapter 8 (Buildings) of the ~~City Code~~, and are not over eighteen (18) inches above natural grade and not over any basement or story below.

e. **Dual urban opportunity development.** A dual urban opportunity development, as defined in Sec. 36.30.11, shall be designed in compliance with Sec. 36.13.10 through 36.13.45.

fe. Fences – R1 and R2 zoning districts. The following types of fences in the R1 and R2 zoning districts are exempt from zoning permit requirements. Allowed fence heights and locations are illustrated in Figure 36.06-1 (Fence and Wall Standards).

1. **Interior lots.** Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g., open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

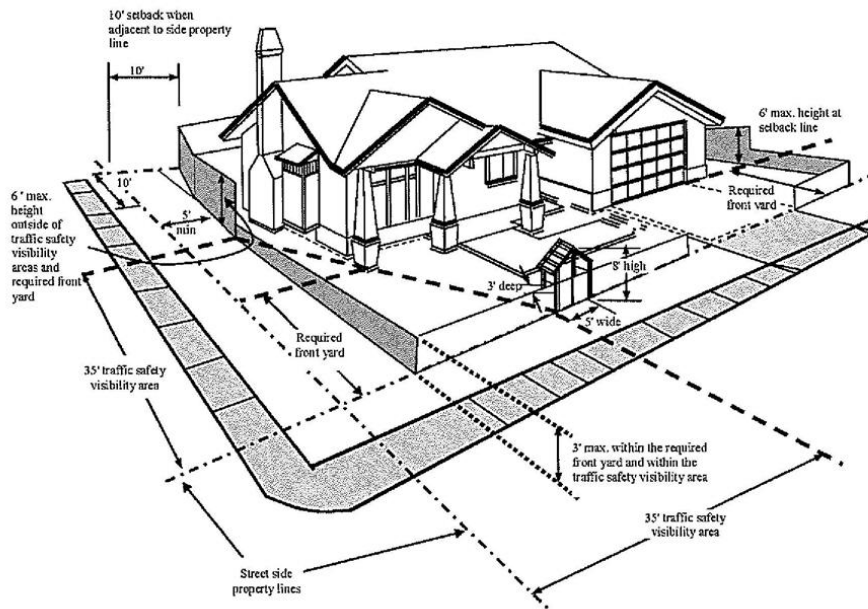
2. **Corner lots.**

(a) Fences up to three (3) feet in height within the required front yard and traffic safety visibility areas – front and side (or rear). The front traffic safety visibility area is formed by measuring thirty-five (35) feet from the intersection of the street side property line and the front property line of the corner parcel, along both property lines, and then connecting the two (2) points across the corner of the lot;

(b) Entry features over front yard gates (e.g., open-latticed arbors and trellises), not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard but outside the traffic safety visibility areas; and

(c) Fences up to six (6) feet in height located on rear and side property lines outside the required front yard and traffic safety visibility areas, and at least five (5) feet from the street side property line. Further, fences over three (3) feet in height adjacent to the side street property line shall be set back where the side street fence approaches an adjacent lot's front yard in order to create a side (or rear) triangular traffic safety visibility area for the adjacent lot at the side (or rear) of the corner parcel. This triangle is formed by measuring ten (10) feet from the intersection of the street side property line of the corner parcel and the side property line of the adjacent parcel, along both property lines, and then connecting the two (2) points across the corner parcel. See Figure 36.06-1.

Figure 36.06-1
FENCE AND WALL STANDARDS (For Reference Only)



gd. Electric vehicle charging stations. Electric vehicle charging stations are permitted in all zoning districts subject to Chapter 8 of the city code.

h. Governmental activities. Activities of the city, state, or an agency of the state, or the federal government on land owned or leased by a governmental agency.

ie. Irrigation. The installation of irrigation lines.

jf. Interior remodeling. Interior alterations that do not result in an increase in the gross floor area within the structure, or a change in the permitted use of the structure.

kg. Repairs and maintenance. Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repairs employ the same materials and design as the original.

lh. Retaining walls. Retaining walls (retaining earth only) that result in grade changes of eighteen (18) inches or less and are not required by Chapter 8 of the City Code to have a grading permit.

mi. School facilities. Public school facilities, in compliance with Government Code § 53091, *et seq.*, except where a site is proposed to be occupied exclusively by nonclassroom facilities.

nj. Single- and two- (2) family dwellings. The construction of four (4) or fewer single-family dwellings or two (2) duplexes and the remodeling of single-family or duplexes in the R1 and R2 zoning districts, provided that the proposed development is in compliance with all applicable provisions of this Chapter, except as provided in Sec. 36.10.30 (Development Review Required, R1 Zone), 36.10.55 (Development Review Required, R2 Zone) and 36.10.80 (Development Review Required, R3 Zone).

ok. Solar collectors. The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located on the ground level and screened from ground-level public view or, if roof-mounted, are mounted at approximately the same angle as the roof. Solar collectors must comply with the height limitations of the zoning district in which they are located.

pl. Spas, hot tubs and fish ponds. Spas, hot tubs, ponds, etc., that do not exceed one hundred twenty (120) square feet in total surface area, including related equipment, contain more than two thousand (2,000) gallons of water, or exceed three (3) feet in depth.

qm. Utilities. The erection, construction, alteration or maintenance by a public utility, public agency or private company determined by the city to fulfill a public function of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including occupiable or storage structures, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) having the potential of fifty thousand (50,000) volts or more shall be subject to council review and approval prior to acquisition of rights-of-way.

~~**n. Antenna, communication facilities.** Communication facilities and antenna, as defined in Sec. 36.60.03, are allowed in all zoning districts subject to a development review permit (Sec. 36.44.45), unless prohibited by state and/or federal law, and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This section shall apply to any facility proposed within a city zoning district, excluding the city's rights-of-way. All of the aspects enumerated in Government Code § 65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.~~

~~**o. Accessory dwelling units and junior accessory dwelling units.** Development of an accessory dwelling unit, as defined in Sec. 36.60.05, or a junior accessory dwelling unit, as defined in Sec. 36.60.23, shall be designed in compliance with Sec. 36.12.60 through Sec. 36.12.120.~~

~~p. — Electric vehicle charging stations. Electric vehicle charging stations are permitted in all zoning districts subject to Chapter 8 of the City Code.”~~

Section 3. Chapter 36, Article IV, Division 1, Section 36.10, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.10. - Purpose.

This ~~a~~Article provides regulations applicable to development and new land uses in the residential zoning districts established by Sec. 36.04 (Zoning Districts Established). The purposes of the individual residential zoning districts are as follows:

a. **R1 (Residential – Single-~~f~~Family) district.** The R1 zoning district is intended for detached, single-family dwellings, ~~dual urban opportunity developments~~ and similar and related uses compatible with a quiet, family living environment. The R1 zoning district is consistent with the low-density residential land use designation of the general plan. The designation of an area in the R1 zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the R1 zoning map symbol (e.g., R1-8, R1-10, etc.).

b. **R2 (Residential – One (1) and ~~t~~Two (2) ~~F~~family) district.** The R2 zoning district is intended for single-family dwellings, duplexes, low-density rowhouse developments, low-density townhouse developments, small-lot single-family developments and similar and related compatible uses. The R2 zoning district is consistent with the medium-low density residential land use designation of the general plan. The designation of an area in the R2 zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the R2 zoning map symbol (e.g., R2-8, R2-10, etc.).

c. **R3 (Residential – Multiple-~~F~~family) district.** The R3 zoning district is intended for multiple-family housing, including apartments, condominium development, rowhouse development, townhouse development, small-lot single-family development and similar and related compatible uses. The R3 zoning district is consistent with the medium, medium-high and high-density residential land use designation of the general plan. The designation of an area in the R3 zoning district will include establishing a specific maximum density for multiple-family development, expressed as a subcategory to the R3 zoning map symbol (e.g., R3-2, R3-1.5, etc.).

d. **R4 (Residential – High-~~D~~ensity ~~M~~multiple-~~F~~family) district.** The R4 zoning district is intended for multiple-family housing, including apartments, condominium development, rowhouse development, townhouse development, small-lot, single-family development and similar and related compatible uses. The R4 zoning district is consistent with the high-density residential land use designation of the general plan.

e. **RMH (Mmobile Hhome Ppark) district.** The RMH zoning district is intended for areas of the city best suited for mobile homes within a mobile home park or mobile home subdivision with shared recreational and open space facilities, together with similar and related compatible uses. The RMH zoning district is consistent with the mobile home residential land use designation of the general plan.”

Section 4. Chapter 36, Article IV, Division 2, Section 36.10.05, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.10.05. - Residential zone land uses and permit requirements.

The uses of land allowed by this eChapter in each residential zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this eChapter, including development review where required and parking requirements, and subject to obtaining any building permit or other permit required by the Ecity Ecode (“P” uses on the tables).

b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).

d. Allowed subject to approval of a planned unit development permit (“PUD”) (Sec. 36.46.70).

e. Allowed subject to approval of a mobile home park permit (“MHPP”) (Sec. 36.48.35).

Land uses that are not listed on the table for a particular zoning district are not allowed in that district, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses), or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

NOTE: Where the last column on the following tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use and/or a specific definition; however, provisions in other sections may apply as well.

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
RESIDENTIAL						
Accessory Dwelling Unit	P	P	P	P	P	36.12.60
Accessory Uses and Structures	P	P	P	P	P	36.12.35
Junior Accessory Dwelling Unit	P	P	P	P	P	36.12.60
Dual Urban Opportunity Development	P					36.13.10
Duplexes		P	P		P	36.10.40
Home Occupations	P	P	P	P	P	36.28.75
Junior Accessory Dwelling Unit	P	P	P	P	P	36.12.60
Mobile Home Parks				MHPP		36.12.15
Manufactured Housing	P	P	P	P	P	36.12.30
Mobile Home, Single	P	P	P	P	P	36.12.30
Multiple-Family Housing		CUP	P		P	For R3 District: 36.10.60 and For R4 District: 36.12
Accessory Uses and Structures	P	P	P	P	P	36.12.35
Residential Care Home, 7+ C lients	CUP	CUP	CUP	CUP	CUP	
Residential Care Home, 0-6 e Clients	P	P	P	P	P	
Rooming and Boarding Houses	CUP	CUP	CUP	CUP	CUP	
Rooming and Boarding, 2 p Persons m Maximum	P	P	P	P	P	36.10.85
Rowhouses		PUD	PUD		PUD	36.16.20
Senior Care Facility	CUP	CUP	CUP		CUP	
Senior Congregate Care Housing		CUP	CUP		CUP	
Single-Family Housing	P	P	P	P	P	36.10.10
Small-Lot, Single-Family Housing		PUD	PUD		PUD	36.16
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Townhouses		PUD	PUD		PUD	36.16.10
Rowhouses		PUD	PUD		PUD	36.16.20

Uses not Named but Similar to Listed u Uses	CUP	CUP	CUP	CUP	CUP	
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g.
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	
Recreational Vehicle (RV) Parks				CUP		
Safe Parking ¹	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	
SERVICES						
Cemeteries, Columbariums (with Church)	CUP	CUP	CUP	CUP	CUP	36.28.15
Medical Services, Extended Care			CUP	CUP	CUP	
Offices, Property Management		CUP	P	P	P	
Offices, Temporary Real Estate	TUP	TUP	TUP	TUP	TUP	36.46
Parking Lots, not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	36.46

¹ Safe parking shall only be allowed on sites used for, and in conjunction with, the following uses in residential zones: churches; community centers; membership organization facilities; and schools, public and private.

KEY TO PERMIT REQUIREMENTS		See Section
Permitted Use, Zoning Compliance Required (Development Review may also be required)	P	36.44 and 36.44.45
Conditional Use, Conditional Use Permit Required	CUP	36.48

Planned Unit Development, PUD Permit Required	PUD	36.46.70
Temporary Use, Temporary Use Permit Required	TUP	36.46
Mobile Home Park, Mobile Home Park Permit Required	MHPP	36.48.35
Use Not Allowed"		

Section 5. Chapter 36, Article IV, Division 3, Section 36.10.15, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.10.15. - Minimum lot area and width for subdivisions.

The minimum area and width of parcels proposed in new subdivisions in the R1 zoning district is determined ~~by Sec. 36.10.25~~ below, except in areas of special limitations or when smaller lots are approved as part of a larger planned unit development or through an urban lot split. These areas are identified on the zoning map by a suffix to the R1 map symbol (e.g., R1-8, R1-10, etc.), and are subject to the following requirements:

Zoning Designation	Minimum Lot Area	Minimum Width
R1	6,000 square feet	60 feet (corner lots: 70 feet)
R1-7	7,000 square feet	70 feet
R1-8	8,000 square feet	75 feet
R1-10	10,000 square feet	80 feet
R1-10+	As noted by suffix	80 feet

If the minimum lot area required by a suffix to the R1 zoning map symbol is within the ranges shown above (i.e., more than six thousand (6,000) square feet but less than ten thousand (10,000) square feet, etc.), the required lot width shall be determined by the zoning administrator based on the values specified in the table above.

For standards applicable to lots created through a planned unit development, see Sec. 36.10.35. For standards applicable to lots created through urban lot splits, see Sec. 36.13.50 through Sec. 36.13.75."

Section 6. Chapter 36, Article IV, Division 3, Section 36.10.20, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.10.20. - Minimum street frontage for any residential use.

~~An existing p~~Parcels in the R1 zoning district shall have a minimum frontage of thirty-five (35) feet on a public street, unless the lot has been created by an urban lot split pursuant to the provisions of Sec. 36.13.50 through Sec. 36.13.75 or is a lot without the required frontage on a public street pursuant to the provisions of Sec. 36.10.35 (Subdivisions in the R1 zone creating parcels without the required frontage on a public street.)~~pursuant to a planned unit development permit. The approval of a new subdivision proposing flag lots or other parcels without the required frontage on a public street shall also comply with the provisions of Sec. 36.10.35 (Subdivisions Creating Parcels without the Required Frontage on a Public Street.)”~~

Section 7. Chapter 36, Article IV, Division 3, Section 36.10.25, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.10.25. - R1 zone development standards.

The following table entitled “R1 Zone Development Standards” defines standards for minimum parcel size, density, setbacks and height limits within the R1 zoning district. See Sec. 36.14.75 for exceptions to the site layout standards that may be granted for home improvements and minor additions. For standards applicable to dual urban opportunity developments, see Sec. 36.13.10 through Sec. 36.13.45.

R1 ZONE DEVELOPMENT STANDARDS

Other references	See Zoning Handbook for the Single-Family Homeowner and Zoning Calculations: Methods, Definitions, and Clarifications.
Lot area	6,000 sq. ft. minimum for interior lots, 7,000 sq. ft. for corner lots; except for larger area required by Sec. 36.10.15 based on map designation or smaller area approved under Sec. 36.10.35 with a PUD permit <u>or under Sec. 36.13.50 through Sec. 36.13.75 with an urban lot split.</u>
Lot width	60 ft. minimum for interior lots, 70 ft. for corner lots; except for greater width required by Sec. 36.10.15 or Sec. 36.10.20 based on map designation <u>and lesser width is required for lots created by an urban lot split pursuant to Sec. 36.13.65.</u>
Density (maximum)	1 dwelling per parcel, except where an accessory dwelling unit, <u>junior accessory dwelling unit and/or dual opportunity development</u> is allowed. in compliance with Sec. 36.12.60.

<p>Floor area ratio</p>	<p>The maximum base FAR allowed in the R1 zoning district shall be based on lot area and calculated using the following formula: FAR = 0.50 - (0.00001 × Lot Area). FAR shall be measured as provided in the Zoning Calculations: Methods, Definitions, and Clarifications. See Sec. 36.14.75 for exceptions. 0.45 for lots of 5,000 sq. ft. or less; Use formula above for lots between 5,001 and 9,999 sq. ft.;</p> <p>Examples: 6,000 sq. ft. lot = 0.50 - (0.00001 × 6,000) = 0.44 FAR 7,500 sq. ft. lot = 0.50 - (0.00001 × 7,500) = 0.425 FAR 0.40 for lots of 10,000 sq. ft. or greater.</p>													
<p>Setbacks (See Figures 36.10-1 and 36.10-2)</p>	<p>See Sec. 36.12.60 for setbacks applicable to accessory dwelling units, Sec. 36.10.35 setbacks applicable to parcels that do not have the required frontage on a public street, Sec. 36.12.35 for setbacks applicable to accessory structures, and Sec. 36.14.75 for exceptions to required setbacks. The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks:</p> <table border="1" data-bbox="462 945 1430 1875"> <tr> <td data-bbox="462 945 698 1066">Front</td> <td data-bbox="698 945 1430 1066">20 ft. minimum for the first floor wall; 5 ft. from the first floor wall for a second floor over an attached garage, where garage projects forward.</td> </tr> <tr> <td data-bbox="462 1066 698 1310" rowspan="2">Sides (1st-story)</td> <td data-bbox="698 1066 1430 1188">For lots less than 6,000 sq. ft. or less than 60 ft. wide: 5 ft. minimum and 10 ft. total for both sides.</td> </tr> <tr> <td data-bbox="698 1188 1430 1310">For lots of 6,000 sq. ft. or more and 60 ft. or greater in width: 5 ft. minimum and 12 ft. total for both sides.</td> </tr> <tr> <td data-bbox="462 1310 698 1713" rowspan="3">Sides (2nd-story)</td> <td data-bbox="698 1310 1430 1432">For lots less than 5,000 sq. ft. or less than 40 ft. wide: 5 ft. minimum each side and 12 feet total for both sides.</td> </tr> <tr> <td data-bbox="698 1432 1430 1596">For lots 5,000 sq. ft. or more and 40 ft. or greater in width, front half of lot: 7 ft. minimum and 15 ft. total for both sides; rear half of lot: 12 ft. minimum on each side.</td> </tr> <tr> <td data-bbox="698 1596 1430 1713">For lots of 10,000 sq. ft. or more, and greater than 65 ft. wide: 10 ft. minimum and 25 ft. total for both sides.</td> </tr> <tr> <td data-bbox="462 1713 698 1793">Street sides (corner lots)</td> <td data-bbox="698 1713 1430 1793">15 ft. minimum.</td> </tr> <tr> <td data-bbox="462 1793 698 1875">Rear</td> <td data-bbox="698 1793 1430 1875">1 story portions of structure: 20% of the lot depth or 15 ft., whichever is greater, but not more than</td> </tr> </table>	Front	20 ft. minimum for the first floor wall; 5 ft. from the first floor wall for a second floor over an attached garage, where garage projects forward.	Sides (1st-story)	For lots less than 6,000 sq. ft. or less than 60 ft. wide: 5 ft. minimum and 10 ft. total for both sides.	For lots of 6,000 sq. ft. or more and 60 ft. or greater in width: 5 ft. minimum and 12 ft. total for both sides.	Sides (2nd-story)	For lots less than 5,000 sq. ft. or less than 40 ft. wide: 5 ft. minimum each side and 12 feet total for both sides.	For lots 5,000 sq. ft. or more and 40 ft. or greater in width, front half of lot: 7 ft. minimum and 15 ft. total for both sides; rear half of lot: 12 ft. minimum on each side.	For lots of 10,000 sq. ft. or more, and greater than 65 ft. wide: 10 ft. minimum and 25 ft. total for both sides.	Street sides (corner lots)	15 ft. minimum.	Rear	1 story portions of structure: 20% of the lot depth or 15 ft., whichever is greater, but not more than
Front	20 ft. minimum for the first floor wall; 5 ft. from the first floor wall for a second floor over an attached garage, where garage projects forward.													
Sides (1st-story)	For lots less than 6,000 sq. ft. or less than 60 ft. wide: 5 ft. minimum and 10 ft. total for both sides.													
	For lots of 6,000 sq. ft. or more and 60 ft. or greater in width: 5 ft. minimum and 12 ft. total for both sides.													
Sides (2nd-story)	For lots less than 5,000 sq. ft. or less than 40 ft. wide: 5 ft. minimum each side and 12 feet total for both sides.													
	For lots 5,000 sq. ft. or more and 40 ft. or greater in width, front half of lot: 7 ft. minimum and 15 ft. total for both sides; rear half of lot: 12 ft. minimum on each side.													
	For lots of 10,000 sq. ft. or more, and greater than 65 ft. wide: 10 ft. minimum and 25 ft. total for both sides.													
Street sides (corner lots)	15 ft. minimum.													
Rear	1 story portions of structure: 20% of the lot depth or 15 ft., whichever is greater, but not more than													

		40 ft. maximum, required. Encroachment allowed, see Sec. 36.14.75.
		2-story portions of structure: 25% of lot depth, or 20 ft., whichever is greater, but not more than 40 ft. maximum, required.
Height limits	See Sec. 36.08.30 for exceptions to height limits; Sec. 36.12.60 for height limits applicable to companion units and Sec. 36.12.35 for height limits applicable to accessory structures.	
Principal structures <u>Height limits</u>	Maximum building height for 1 story structure: 24 ft.;	
	Maximum building height for 2 story structure: 28 ft.;	
Landscaping required	Maximum 1st floor wall height at top of wall plate: 15 ft.;	
	Maximum 2nd floor wall height at top of wall plate: 22 ft.	
Landscaping required	50% of the required front setback area shall be permanently landscaped. Street trees shall be planted in front of all structures with second-story additions or construction of a new dwelling unit.	
Second-story decks	Second-story decks and balconies are allowed only on the front and rear of houses, except that on corner lots they are allowed on the street side. The total square footage of all decks and balconies located at floor level of the second story cannot exceed 150 sq. ft. and are subject to second-story setbacks except that decks and balconies on the rear of a house must be set back 5 ft. in addition to the required rear yard second-story setback. Decks and balconies , or any similar feature, are not permitted on the roof of a 2-story structure.	
Parking and driveways	Required spaces	2 spaces, 1 of which shall be covered. The uncovered space can be located in the driveway.
	Covered parking	A garage or carport shall be provided and permanently maintained for parking. The garage or carport must maintain a minimum unobstructed interior dimension of 9 ft. by 20 ft. for 1 car and be increased 9 ft. in width for each additional parking space. The minimum unobstructed ceiling height is 7 ft. 6 in.
	Driveway	Minimum dimensions. Minimum width of 9 ft., with direct access to at least a 1 car garage or carport. Minimum length of 20 ft. measured from the property line to the front of the covered parking space.
		Back-up area. Where access to a garage, carport, or open parking space is perpendicular (90

		degrees) to the driveway, a minimum 24 ft. deep unobstructed back-out area shall be provided.
		Street frontage. Lots with no garage or a 1-car garage are allowed a maximum cumulative 20 ft. wide area, including driveway, visible from the street for vehicle parking. Lots with a 2- or 3-car garage are allowed a maximum cumulative 30 ft. wide area, including driveway, visible from the street for vehicle parking.
	Garage frontage on street	The street-facing facade of a garage structure shall not exceed 25 ft. in width when facing any lot frontage that is less than 75 ft. wide. On parcels with more than 75 ft. of frontage, the garage facade may be up to 35 ft. wide. See Sec. 36.12.35 for limits on widths of accessory structures, including detached garages.
Signs	See Article XII (Signs)."	

Section 8. Chapter 36, Article IV, Division 3, Section 36.10.30, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.10.30. - Development review required.

The following types of proposed development in the R1 zoning district shall be subject to development review in compliance with Sec. 36.44.45 (Development Review):

- a. Structures in new subdivisions of five (5) or more parcels;
- b. Requests for FAR exceptions;
- c. Fences over six (6) feet in height and up to seven (7) feet;

~~d. Development on sites with existing nonconforming structures (see Sec. 36.06.60, Nonconforming Structures and Uses);~~

~~e.~~ Planned unit developments in accordance with Sec. 36.46.70; and

- ~~e~~f. Conditional use permits in accordance with Sec. 36.48.

Figure 36.10-1
 SINGLE-FAMILY SETBACK REQUIREMENTS
 (For Reference Only)

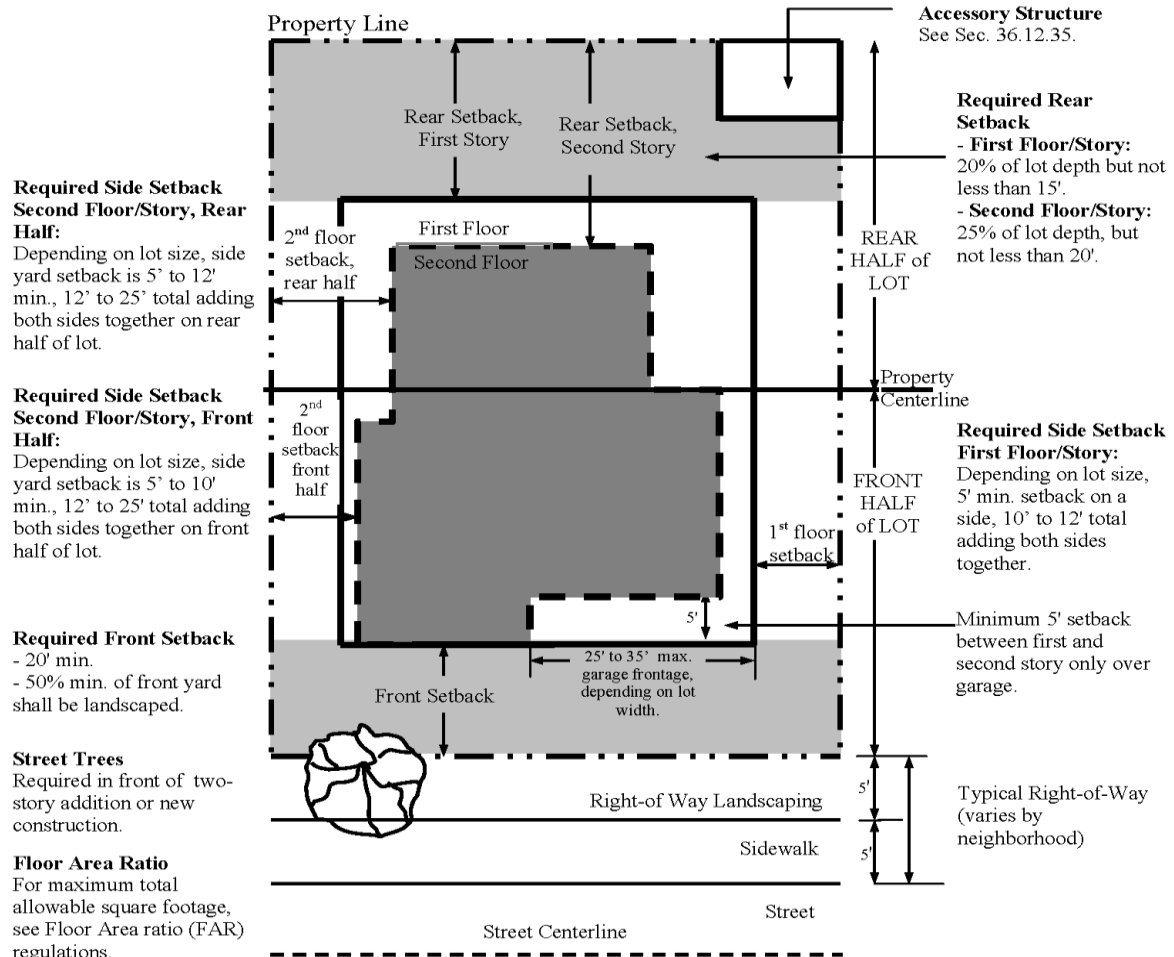
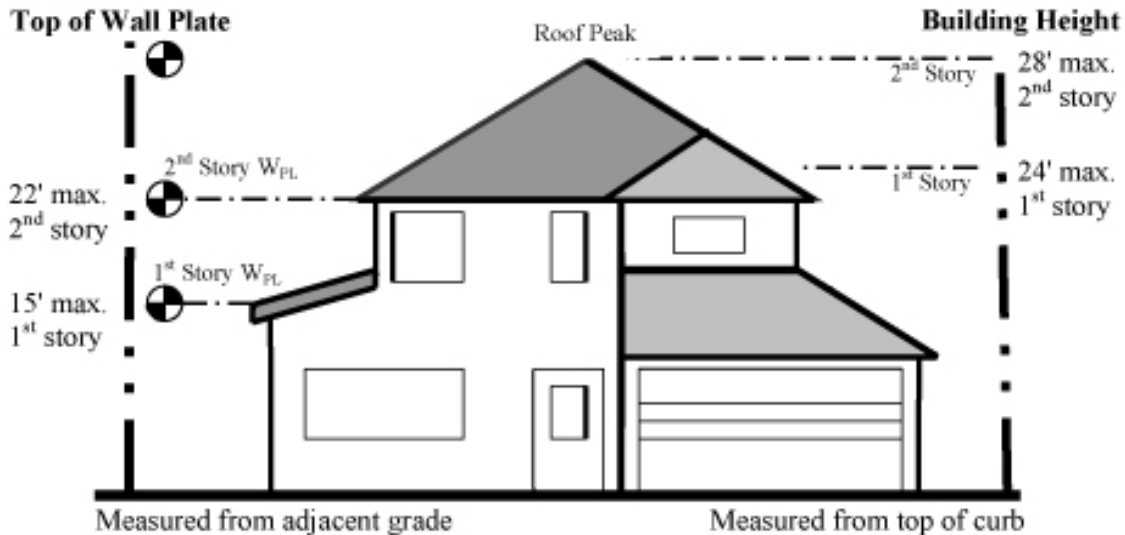


Figure 36.10-2
SINGLE-FAMILY HEIGHT LIMITS
(For Reference Only)



Section 9. Chapter 36, Article IV, Division 3, Section 36.10.35, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.10.35. - Subdivisions in the R1 zone creating parcels without the required frontage on a public street.

The approval of a subdivision in compliance with Chapter 28 of the ~~City Code~~ (Subdivisions) ~~that results in three (3) or more lots, with one (1) or more flag lots, or other lots that do where at least one (1) lot does not not~~ have the required frontage on a public street, shall require approval of a planned unit development permit to evaluate the appropriateness of the lots, establish setbacks, and address any lot design problems. This Section does not pertain to urban lot splits, as defined in Sec. 36.60.45. For standards pertaining to urban lot splits, refer to Sec. 36.13.10.

a. **Minimum lot size.** The developable portion of any flag lot or other lot that does not have the required frontage on a public street, exclusive of the “flag pole” portion of a flag lot or the private drive in a subdivisions with up to four (4) buildable lots, shall comply with the minimum lot size requirements of the applicable zoning district. The individual lots in a subdivision involving five (5) or more buildable lots may be less than the minimum lot size required in the applicable zoning district provided that the density, based on all of the land area including private streets and common areas, does not exceed the maximum density for the applicable zoning district.

b. **Floor area ratio (FAR).** Allowable FAR shall be calculated on the developable portion of the lot only. Floor area exceptions are not allowed on lots that do not have the required frontage on a public street.

c. **Density.** A flag lot or other lot without the required frontage on a public street may ~~be developed with~~ contain one (1) single-family dwelling, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit only.

d. **Number of lots.** At least one (1) of the lots in a flag lot subdivision or other subdivision that includes parcels without the required frontage on a public street shall have the street frontage normally required by the applicable zoning district. No more than two (2) additional flag lots shall be permitted to extend behind the lot with full street frontage. ~~See Figure 36.10-3.~~

e. **Setback requirements.** Setbacks shall comply with the standards found in Sec. 36.10.25 except for the following special setback requirements: ~~See Figures 36.10-3 and 36.10-4.~~

1. **All lots:**

(a) **Garage setback.** The setback from a garage face shall be a minimum of twenty (20) feet.

(b) **Side yards adjacent to a flag pole or private driveway.** Side yards adjacent to a flag "pole" shall be a minimum of five (5) feet for first story and seven (7) feet for the second story. Side yards adjacent to a private driveway serving two (2) or more units shall be a minimum of ten (10) feet for the first and second stories. If a garage faces the flag pole or private driveway, the set-back shall be a minimum of twenty (20) feet.

2. **Lots that front on a public street.** Side yards adjacent to existing lots shall be a minimum of seven (7) feet for the first story and eight (8) feet for the second story except for that portion of the second story that is on the rear half of the parcel which shall be a minimum of twelve (12) feet.

3. **Lots without the required frontage ~~(not a single flag lot)~~.** For lots that are at the rear of the site and do not have the required frontage on a public street, the zoning administrator shall determine which of the yards on the sides that are adjacent to existing lots is the rear yard, taking into consideration whether the yards of the adjacent lots are rear yards or side yards. Any remaining yard which is adjacent to a side yard for sixty-six (66) percent of the length of the adjacent property may have the side yard setbacks defined in Sec. 36.10.25. Any remaining yard adjacent to a rear yard must have

a minimum first-story setback of fifteen (15) feet and a minimum second-story setback of twenty (20) feet.

~~4. **Single flag lot.** For a single flag lot, the side yard that is on the side of the lot which is an extension of the flag “pole” shall be a minimum of five (5) feet for the first floor and twenty five (25) feet for the second floor. The zoning administrator shall determine which of the three (3) remaining yards is the rear yard, taking into consideration whether the yards of the adjacent lots are rear yards or side yards. The yard determined to be the rear yard shall comply with the rear yard setbacks defined in Sec. 36.10.25. For the other two (2) yards, the minimum first story setback is fifteen (15) feet and the minimum second story setback is twenty (20) feet, except that if one (1) of the two (2) remaining yards is adjacent to a side yard for sixty six (66) percent of the length of the adjacent property, the side yard setback for the flag lot may be the same as the side yard setbacks defined in Sec. 36.10.25.~~

~~54. **Access requirements for flag lots.** The flag “pole” serving a single lot shall be a minimum of sixteen (16) feet wide, with ten (10) feet paved. A flag “pole” serving two (2) or more lots shall be a minimum of twenty-five (25) feet with sixteen (16) feet paved, provided that there is at least eight (8) feet of street frontage per lot and mutual access easements are recorded to run with the land. A wider paved access and adequate turnaround for emergency vehicles may also be required by the Uniform Fire Code, depending on distance of the house from the street. See Figure 36.10-3.~~

Figure 36.10-3
FLAG LOT SETBACK REQUIREMENTS
(For Reference Only)

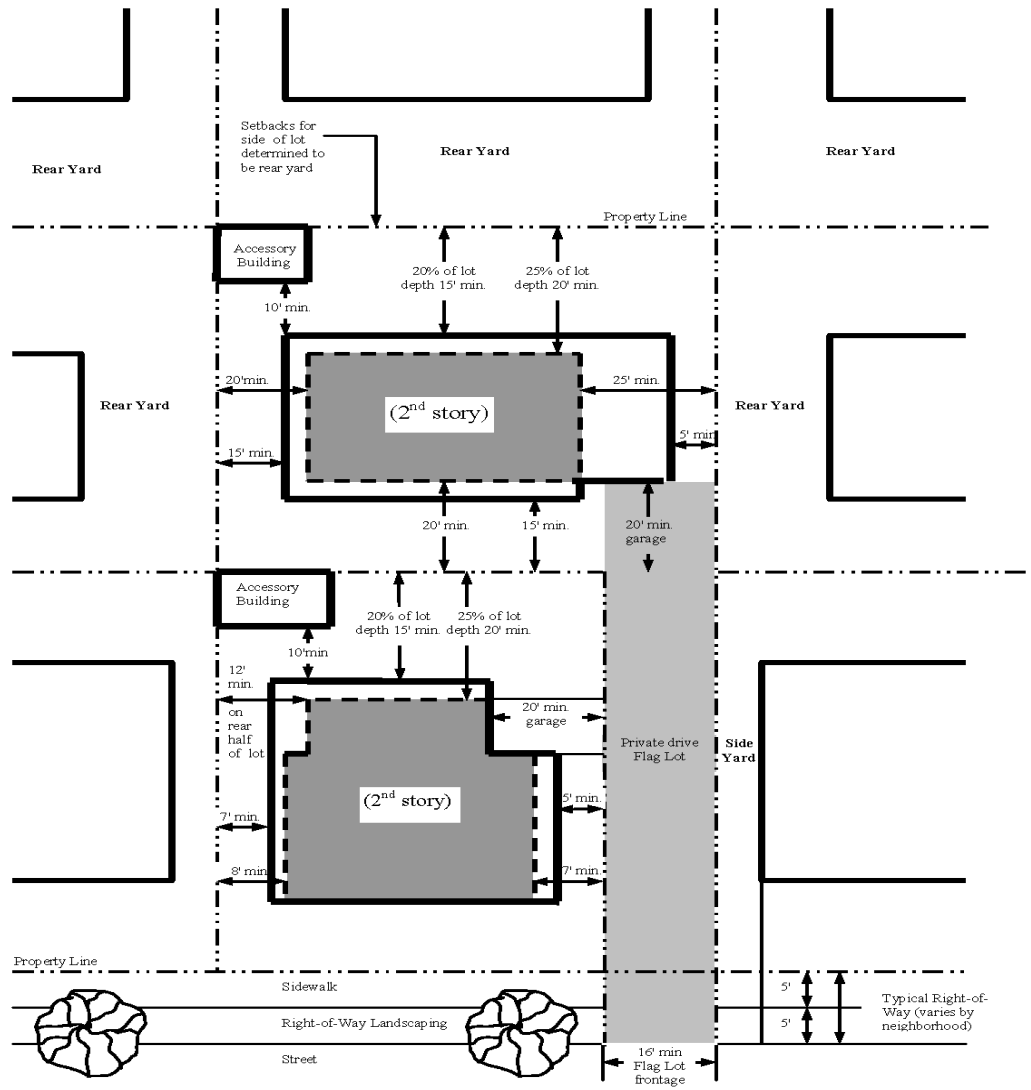
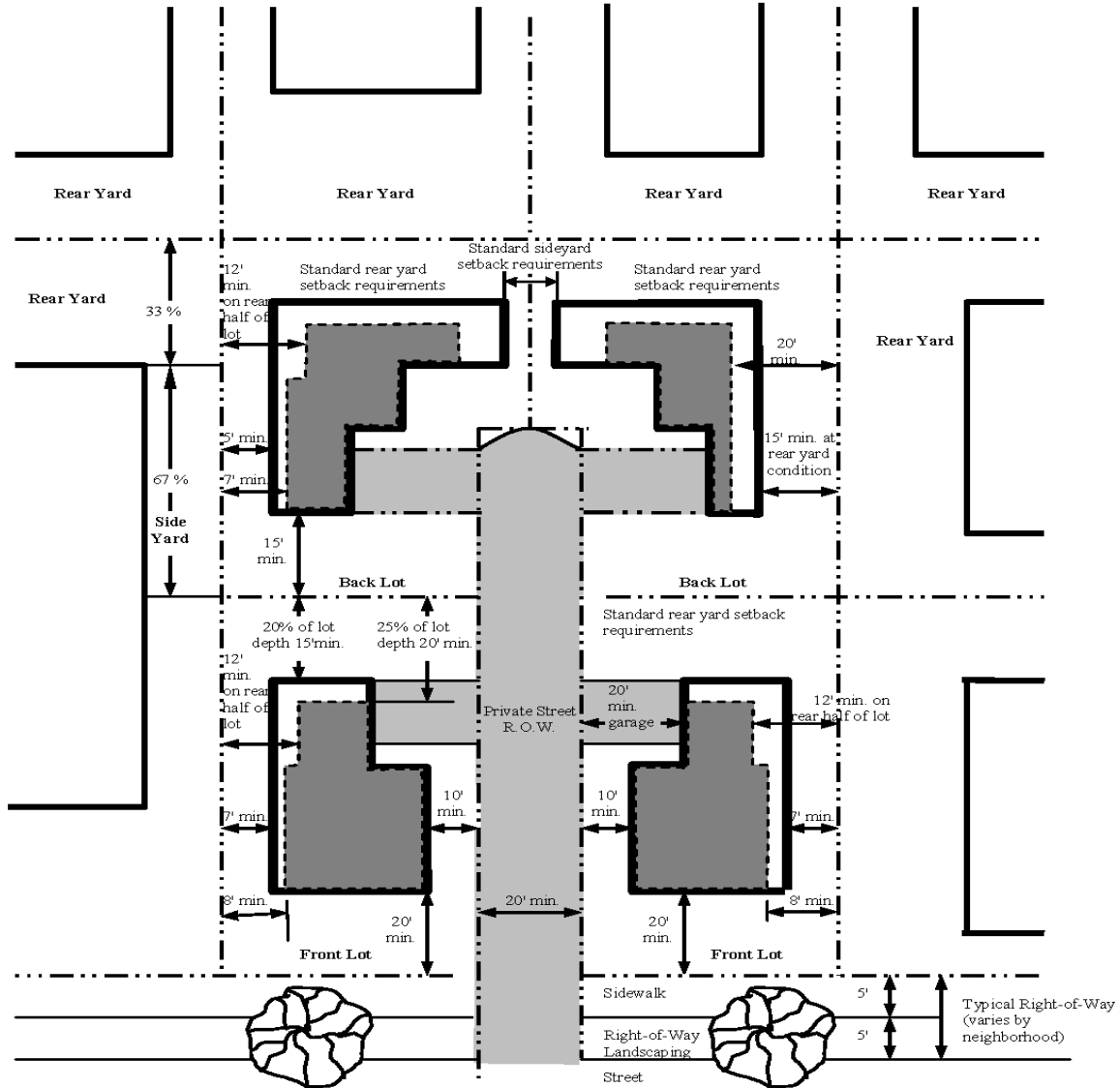


Figure 36.10-34
 SETBACK REQUIREMENTS FOR SUBDIVISIONS WITH
 SEVERAL LOTS ON A PRIVATE STREET
 (For Reference Only)



Section 10. Chapter 36, Article IV, Division 10, Section 36.12.65, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.12.65. - Accessory dwelling unit and junior accessory dwelling unit definitions.

For the purposes of this ~~d~~Division, the following definitions shall apply:

Attached unit. An accessory dwelling unit created by the addition of new floor area which is attached to at least one (1) primary dwelling.

Detached unit. An accessory dwelling unit created by the addition of a new structure which is detached from any primary dwelling.

Dual urban opportunity housing site. An R1-zoned lot which contains two (2) primary dwelling units and/or was created through an urban lot split.

Multi-family dwelling structure. A residential structure or group of attached structures with two (2) or more dwelling units, including, but not limited to, duplexes, triplexes, fourplexes, apartments, condominiums, rowhouses and townhouses. Multi-family dwelling structures are designed such that multiple families are living independently of each other.

Multi-family interior unit. An accessory dwelling unit created within a portion of an existing multi-family dwelling structure that was not previously used as livable space.

Multi-family residential site. A site containing one (1) or more multi-family dwelling structures or more than one (1) single-family home in a zone that permits single-family or multi-family uses.

Single-family interior unit. An accessory dwelling unit created within a portion of an existing single-family residence or within an existing accessory structure on a single-family residential site.

Single-family residential site. A site containing one (1) single-family home, including a lot within a small-lot, single-family development, in a zone that permits single-family or multi-family uses.”

Section 11. Chapter 36, Article IV, Division 10, Section 36.12.80, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.12.80. - Maximum number of units.

Accessory dwelling units and/or a junior accessory dwelling unit may be permitted on a residential site as follows:

MAXIMUM NUMBER OF UNITS

Single-family residential site	Accessory dwelling unit	One (1) unit
	AND	
	Junior accessory dwelling unit	One (1) unit
Multi-family residential site	Multi-family interior units	Up to twenty-five (25) percent of the number of existing multi-family units in the building, but at least one (1) unit
	AND	
	Detached units (new construction)	Two (2) units
<u>Dual urban opportunity housing site</u>	<u>See Sec. 36.13.10 through 36.13.35”</u>	

Section 12. Chapter 36, Article IV, Division 11, Section 36.13.10, of the Mountain View City Code is hereby added to read as follows:

**“DIVISION 11.
DUAL URBAN OPPORTUNITY HOUSING.**

SEC. 36.13.10. - Dual urban opportunity housing.

_____ This Division aims to promote residential development by allowing dual urban opportunity housing sites. Dual urban opportunity housing sites include any R1-zoned lot which contains two (2) primary dwelling units and/or was created through an urban lot in compliance with the provisions of this Division. It is the purpose of this Division to implement Section 65852.21 of the Government Code pertaining to the development of two (2) primary residential units on single-family zoned lots and to implement Section 66411.7 of the Government Code pertaining to urban lot splits.”

Section 13. Chapter 36, Article IV, Division 11, Section 36.13.15, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.15. - Rental term.

No dwelling unit located on a dual urban opportunity housing site may be rented for a period of less than thirty-one (31) days.”

Section 14. Chapter 36, Article IV, Division 11, Section 36.13.20, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.20. - Dual urban opportunity developments.

Where allowed by Sec. 36.10.05 (Land Uses and Permit Requirements by Residential Zone), this Section establishes standards for dual urban opportunity developments.”

Section 15. Chapter 36, Article IV, Division 11, Section 36.13.25, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.25. - Eligibility.

A dual urban opportunity development must comply with the following eligibility requirements:

a. **Historic.** Not permitted on any lot containing a historic resource, as defined in Sec. 36.54.55, or located within a historic district.

b. **Withdrawal from rental market.** Not permitted on any lot that contained a dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within fifteen (15) years before the date that the application for the dual urban opportunity development is submitted to the city.

c. **Demolition or alteration of protected units.** Shall not result in the demolition or structural modification of any portion of an existing residential unit that:

1. Is protected by a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income;

2. Is protected under the City of Mountain View Community Stabilization and Fair Rent Act; or

3. Has been occupied by a tenant within the three (3) years prior to the submittal of an application for a dual urban opportunity development.”

Section 16. Chapter 36, Article IV, Division 11, Section 36.13.30, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.30. - Sale of units.

Each primary dwelling unit of a dual urban opportunity development may be rented independently but shall not be sold or conveyed separately from the other unit.”

Section 17. Chapter 36, Article IV, Division 11, Section 36.13.35, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.35. - Maximum number of units.

a. No more than two (2) primary dwelling units are permitted on a single existing lot or newly created lot through an urban lot split.

b. For existing lots not established through an urban lot split, in addition to a primary dwelling unit(s), an accessory dwelling unit(s) and/or a junior accessory dwelling unit(s) may also be allowed for a maximum of four (4) total units (inclusive of primary units, accessory dwelling units and junior accessory dwelling units).

c. For lots established through an urban lot split, in addition to a primary dwelling unit, a second primary unit or an accessory dwelling unit or junior accessory dwelling unit may also be allowed for a maximum of two (2) units per resulting lot (inclusive of primary units, accessory dwelling units and junior accessory dwelling units).”

Section 18. Chapter 36, Article IV, Division 11, Section 36.13.40, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.40. - Development standards.

Except as provided in Sec. 36.13.45, dual urban opportunity developments must comply with the following requirements:

DUAL URBAN OPPORTUNITY DEVELOPMENT STANDARDS

<u>Floor Area Ratio</u>	<u>The maximum base FAR allowed shall be based on lot area and calculated using the following formula: FAR = 0.50 - (0.00001 × Lot Area). FAR shall be measured as provided in the <u>Zoning Calculations: Methods, Definitions, and Clarifications.</u></u>
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	<u>0.45 for lots of 5,000 sq. ft. or less;</u> <u>Use formula above for lots between 5,001 and 9,999 sq. ft.</u> <u>Examples:</u> <u>6,000 sq. ft. lot = 0.50 - (0.00001 × 6,000) = 0.44 FAR</u> <u>7,500 sq. ft. lot = 0.50 - (0.00001 × 7,500) = 0.425 FAR</u> <u>0.40 for lots of 10,000 sq. ft. or greater.</u>	
<u>Separation of units.</u>	<u>Primary dwelling units may be attached or detached. Units shall be constructed and/or modified to allow for separate conveyance of each unit consistent with applicable building and fire code requirements.</u>	
<u>Setbacks.</u>	<u>Front</u>	<u>Twenty (20) feet minimum.</u>
	<u>Side</u>	<u>Four (4) feet minimum.</u>
	<u>Rear</u>	<u>Four (4) feet minimum.</u>
<u>Height Limits</u>	<u>Maximum building height for 1 story structure: 24 ft.</u>	
	<u>Maximum building height for 2 story structure: 28 ft.</u>	
	<u>Maximum 1st floor wall height at top of wall plate: 15 ft.</u> <u>Maximum 2nd floor wall height at top of wall plate: 22 ft.</u>	
<u>Landscaping Required</u>	<u>25% of the required front setback area shall be permanently landscaped. Street trees shall be planted in front of all structures with second-story additions or construction of a new dwelling unit.</u>	
<u>Second Story Decks</u>	<u>Second-story decks and balconies are prohibited on any newly constructed unit. Roof decks, or any similar feature, are not permitted on the roof of a 2-story structure.</u>	
<u>Parking and driveways</u>	<u>Required spaces</u>	<u>1 covered space per primary unit, except as provided in Sec. 36.13.45.</u>
	<u>Covered parking</u>	<u>A garage or carport shall be provided and permanently maintained for parking. The garage or carport must maintain a minimum unobstructed interior dimension of 9 ft. by 20 ft. for 1 car and be increased 9 ft. in width for each additional parking space. The minimum unobstructed ceiling height is 7 ft. 6 in.</u>
	<u>Driveway</u>	<u>Minimum dimensions. Minimum width of 9 ft., with direct access to at least a 1-car garage or carport. Minimum length of 20 ft. measured from the property line to the front of the covered parking space.</u> <u>Back-up area. Where access to a garage, carport or open parking space is perpendicular (90 degrees) to the driveway, a minimum 24 ft. deep</u>

		<u>unobstructed back-out area shall be provided.</u>
		<u>Street frontage. Lots with no garage or a 1-car garage are allowed a maximum cumulative 20 ft. wide area, including driveway, visible from the street for vehicle parking. Lots with a 2- or 3-car garage are allowed a maximum cumulative 30 ft. wide area, including driveway, visible from the street for vehicle parking.</u>
	<u>Garage frontage on street</u>	<u>The street-facing facade of a garage structure shall not exceed 25 ft. in width when facing any lot frontage that is less than 75 ft. wide. On parcels with more than 75 ft. of frontage, the garage facade may be up to 35 ft. wide. See Sec. 36.12.35 for limits on widths of accessory structures, including detached garages."</u>

Section 19. Chapter 36, Article IV, Division 11, Section 36.13.45, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.13.45. - Exceptions.

a. Parking exceptions. No parking shall be required for either unit of a dual urban opportunity development if any of the following conditions are met:

1. The lot is located within one-half (1/2) mile walking distance of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code;

2. The lot is located within one-half (1/2) mile walking distance of a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or

3.- There is a car-share vehicle parking space located within one (1) block of the lot.

b. Development standard exceptions.

1. A dual urban opportunity development consisting of two (2) attached or detached primary dwelling units, each no more than eight hundred (800) square feet in size with side and rear setbacks of four (4) feet, shall be permitted regardless of any development standard that would prevent construction of the units.

2. A dual urban opportunity development consisting of one (1) attached or detached primary dwelling unit that is no more than eight hundred (800) square feet in size with side and rear setbacks of four (4) feet that is added to an existing primary dwelling unit shall be permitted regardless of any development standard that would prevent construction of the second primary dwelling unit, including, but not limited to, limits on lot size, lot width, lot coverage, floor area ratio and open space.

3. The setback requirements described in Sec. 36.13.40 shall not apply to any legal dwelling unit on a site that existed prior to the construction of the dual urban opportunity development or any legal dwelling unit that was constructed within the footprint of a legal dwelling unit that existed on the site prior to the construction of the dual urban opportunity development.

4. Correction of any legal nonconforming zoning condition shall not be required as a condition of approval for a dual urban opportunity development."

Section 20. Chapter 36, Article IV, Division 11, Section 36.13.50, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.13.50. - Findings for denial.

The city may deny an application for a dual urban opportunity development if the chief building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. "Specific adverse impact" has the same meaning as in Government Code Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include: (1) inconsistency with the zoning ordinance or general plan land use designation; or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g)."

Section 21. Chapter 36, Article IV, Division 11, Section 36.13.55, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.13.55. - Urban lot split.

Sec. 36.13.55 through Sec. 36.13.80 establish eligibility requirements and standards for urban lot splits. Refer to Mountain View city code Chapter 28, Article III, for

information pertaining to submittal requirements and review procedures of urban lot splits.”

Section 22. Chapter 36, Article IV, Division 11, Section 36.13.60, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.60. - Map Act compliance.

The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410, et. seq.) (“SMA”), including implementing requirements in this code, except as otherwise expressly provided in Sec. 36.13.10 through Sec. 36.13.75.”

Section 23. Chapter 36, Article IV, Division 11, Section 36.13.65, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.65. - Eligibility.

A lot is eligible to be subdivided through an urban lot split if it meets all of the following eligibility requirements:

a. **Zoning district.** The lot to be subdivided must be located within the R1 zoning district.

b. **Historic.** The lot to be subdivided shall not contain a historic resource, as defined in Sec. 36.54.55, or located within a historic district.

c. **Withdrawal from rental market.** The lot to be subdivided contains a dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within fifteen (15) years before the date that the application for the urban lot split is submitted to the city.

d. **Demolition or alteration of protected units.** The urban lot split shall not result in the demolition or structural modification of any portion of an existing dwelling unit that:

1. Is protected by a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income;

2. Is protected under the City of Mountain View Community Stabilization and Fair Rent Act; or

3. Has been occupied by a tenant within the three (3) years prior to the submittal of an application for an urban lot split.

d. **Lot location.** The lot to be subdivided shall not be located on a site that is any of the following, as contained within Government Code Section 65913.4(a)(6)(B) through (K), as may be amended from time to time:

1. Prime farmland, farmland of statewide importance or land that is zoned or designated for agricultural protection or preservation by the voters.

2. A wetland.

3. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

4. A hazardous waste site that has not been cleared for residential use.

5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

6. Within a one hundred (100) year flood hazard area, unless the site has either been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

7. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan.

9. Habitat for protected species.

10. Land under conservation easement.

e. **No prior lot split.** The lot to be subdivided shall not be a lot that was established through a prior urban lot split.

f. **Subdivision of adjacent parcels.** The lot to be subdivided shall not abut any lot that was previously subdivided through an urban lot split by the owner of the lot proposed to be subdivided or any party acting in concert with the owner. For the purpose

of this Section, any party acting in concert with the owner shall include any individual with a familial relation to the property owner (including, but not limited to, parents, children, siblings and spouses) or any business entity in which the property owner has more than ten (10) percent ownership.”

Section 24. Chapter 36, Article IV, Division 11, Section 36.13.70, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.70. - Urban lot split standards.

Any lot created by an urban lot split shall comply with the following standards:

URBAN LOT SPLIT STANDARDS

<u>Minimum lot size</u>	<u>The lot to be split shall contain a minimum of 2,400 square feet. The resulting lots shall each contain a minimum of 1,200 square feet. Each of the resulting lots shall be between sixty (60) percent and forty (40) percent of the original lot area.</u>
<u>Minimum average lot width</u>	<u>Thirty (30) feet.</u>
<u>Minimum frontage</u>	<u>Each lot shall adjoin the public street with a minimum frontage width of sixteen (16) feet.”</u>

Section 25. Chapter 36, Article IV, Division 11, Section 36.13.75, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.75. - Owner occupancy.

Upon submittal of an application for an urban lot split, the property owner shall sign an affidavit stating they intend to occupy one (1) of the units as their primary residence for at least three (3) years, unless the owner is a community land trust, as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a qualified nonprofit corporation as described in Section 214.15 of the Revenue and Taxation Code.”

Section 26. Chapter 36, Article IV, Division 11, Section 36.13.80, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.13.80. - Retained structure setbacks on lots created by urban lot splits.

If one (1) or more dwellings are retained on a site that is subdivided by an urban lot split, no setback shall be required for the retained dwelling(s) if compliance with the

required setbacks would prevent the urban lot split, subject to compliance with all applicable building and fire codes.”

Section 26. Chapter 36, Article X, Division 3, Section 36.32.50, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.32.50. - Required number of parking spaces.

Each land use shall provide the minimum number of off-street parking spaces required by this Section, inclusive of accessible and electric vehicle (EV) charging spaces required per Chapter 8 of the City Code.

a. **Uses not listed.** Land uses not specifically listed by the following subsection b. below shall provide parking as required by the zoning administrator. In determining appropriate off-street parking requirements, the zoning administrator shall use the requirements of subsection b. below as a general guide in determining the minimum number of off-street parking spaces necessary to avoid undue interference with public use of streets and alleys.

b. **Parking requirements by land use.** The following minimum number of parking spaces shall be provided for each use:

REQUIRED PARKING BY LAND USE

Land Use Type	Vehicle Spaces Required	Bicycle Spaces Required
Manufacturing and General Industrial		
Manufacturing and industrial, general	1 space for each 250 sq. ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use	5 percent of vehicle spaces
Recycling facilities	Space shall be provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time	None
	1 employee parking space shall be provided on-site for each commercial vehicle operated by the processing center	5 percent of vehicle spaces

Recreation, Education, Public Assembly Uses		
Child day-care centers	1 space for each employee, plus 1 space for every 15 children for visitor parking and drop-off areas	2 percent of vehicle spaces
Churches, mortuaries	1 space for each 170 sq. ft. of gross floor area	5 percent of vehicle spaces for churches; 2 spaces for mortuaries
Indoor recreation and fitness centers		
Arcades	1 space for each 200 sq. ft. of gross floor area	5 percent of vehicle spaces
Bowling alleys	Parking study required	
Dance halls	Parking study required	None
Health/fitness clubs	1 space for each 200 sq. ft. of gross floor area	5 percent of vehicle spaces
Libraries and museums	Parking study required	5 percent of vehicle spaces
Membership organizations	1 space for every 3.5 fixed seats	5 percent of vehicle spaces
Pool and billiard rooms	2.5 spaces for each table	5 percent of vehicle spaces
Schools	Parking study required	Parking study required
Studios for dance, art, etc.	1 space for each 2 students	5 percent of vehicle spaces
Tennis/racquetball courts	Parking study required	5 percent of vehicle spaces
Theaters and meeting halls	1 space for every 3.5 fixed seats	5 percent of vehicle spaces
Residential Uses		
Accessory dwelling units <i>(See Sec. 36.12.60)</i>	1 space per unit, except if compliant with Sec. 36.12.75	None
<u>Dual urban opportunity development</u>	<u>1 covered space per unit, except if compliant with Sec. 36.13.75.</u>	<u>None</u>
Multi-family dwellings	Studio unit	1.5 spaces per unit, 1 space shall be covered
	1-bedroom unit less than or equal to 650 square feet	1.5 spaces per unit, 1 space shall be covered
		1 space per unit (refer to Sec. 36.32.85.a.1)

	1-bedroom unit greater than 650 square feet	2 spaces per unit, 1 space shall be covered	1 space per 10 units
	2-bedrooms or more	2 spaces per unit, 1 space shall be covered	
	Guest	15 percent of the parking spaces required for the project shall be conveniently located for guest parking. The zoning administrator may increase the parking requirement to 2.3 spaces per unit if needed to ensure adequate guest spaces	
Rooming and boarding houses	Parking study required		Parking study required
<u>Rowhouse developments</u>	<u>Studio unit</u>	<u>1.5 spaces per unit, 1 space shall be covered</u>	<u>1 space per unit</u>
	<u>1-bedroom or more</u>	<u>2 covered spaces</u>	
Senior congregate care housing	1.15 spaces per unit; half the spaces shall be covered		2 percent of vehicle spaces
Senior care facility	Parking study required		Parking study required
Single-family housing and each dwelling unit in a duplex (See Sec. 36.10.15—Single-Family; see Sec. 36.10.50 for unit in duplex)	2 spaces, 1 of which shall be covered		None
Single-room occupancies	1 space per dwelling unit; plus 1 for every nonresident employee. Reduction of up to 0.50 space per unit may be granted through the conditional use permit process		1 space per 10 units

Small-lot, single-family developments	2 spaces, one of which shall be covered, and 0.50 guest space per unit		None
Townhouse developments	Per unit	2 spaces, one shall be covered	1 space per unit
	Guest	Guest parking shall equal in total an additional 0.6 space for each unit, for an aggregate ratio of 2.6 spaces for each unit	
	Guest	Guest parking shall equal in total an additional 0.3 space for each unit	
Retail Trade			
Auto, mobile home, vehicle and parts sale	1 space for each 450 sq. ft. of gross floor area for showroom and office, plus 1 space for each 2,000 sq. ft. of outdoor display area, plus 1 space for each 500 sq. ft. of gross floor area for vehicle repair, plus 1 space for each 300 sq. ft. of gross floor area for the parts department		5 percent of vehicle spaces
Furniture, furnishings and home equipment stores	1 space for each 600 sq. ft. of gross floor area		5 percent of vehicle spaces
Plant nurseries	Parking study required		Parking study required
Restaurants, Cafés, Bars, Other Eating/Drinking Places			
Take-out only	1 space for each 180 sq. ft. of gross floor area		
Fast food (counter service)	1 space for each 100 sq. ft.; minimum 25 spaces		5 percent of vehicle spaces
Table service	1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater		
Outdoor seating	1 space for each 2.5 seats		
Retail Stores			
General merchandise	1 space for each 180 sq. ft. of gross floor area		5 percent of vehicle spaces

Warehouse retail	Parking study required	Parking study required
Service stations	1 space for each 180 sq. ft. of gross floor area	None
Shopping centers	1 space for each 250 sq. ft. of gross floor area	5 percent of vehicle spaces
Service Uses		
Animal service establishment	1 space for each 200 sq. ft. of gross floor area	2 percent of vehicle spaces
Banks and financial services	1 space for each 300 sq. ft. of gross floor area, plus 1 space per ATM	5 percent of vehicle spaces
Hotels and motels	1 space for each guest room, plus 1 space for each 2 employees, plus as required for ancillary uses	2 percent of vehicle spaces
Medical Services		
Clinics, offices, labs, under 20,000 square feet	1 space for each 150 sq. ft. of gross floor area	5 percent of vehicle spaces
Clinics, offices, labs, greater than 20,000 square feet	1 space for each 225 sq. ft. of gross floor area	2 percent of vehicle spaces
Extended care	1 space for each 3 beds, plus 1 space for each employee	
Hospitals	1 space for each patient bed	
Offices, administrative, corporate, research and development	1 space for each 300 sq. ft. of gross floor area	5 percent of vehicle spaces
Personal services	1 space for each 180 sq. ft. of gross floor area	5 percent of vehicle spaces
Vehicle washing	Parking study required	None
Repair and Maintenance – Vehicle		
Lube-n-tune	2 spaces per service bay	None
Repair garage	5 spaces, plus 1 space for each 200 sq. ft. of gross floor area	None
Storage, personal storage facilities	1 space for each 2,000 sq. ft. of gross floor area plus 2 spaces for any resident manager	None
Warehousing and data centers	1 space for each 500 sq. ft. of gross floor area plus 1 space for each company vehicle	5 percent of vehicle spaces”

Section 27. Chapter 36, Article XVI, Division 17, Section 36.56.75, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.56.75. - Closure of inactive permits.

A formal permit application which has been inactive for three (3) months shall be deemed withdrawn without notice, public hearing or other proceeding. An application is inactive when a formal resubmittal that is substantially-responsive to the city’s completeness/comment letter has not been provided. Once an application is deemed withdrawn, the applicant shall be required to submit a new application and fees in compliance with the city’s application submittal requirements.”

Section 28. Chapter 36, Article XVII, Division 2, Section 36.60.11, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.11. - Definitions - “D.”

Density Bbonus. In accordance with State Density Bonus Law, an allowance to exceed the maximum allowable residential density on a property in exchange for providing affordable units for households with a specific income level or for seniors.

Disaster storage container. An independent self-contained storage container for the sole purpose of storing disaster supplies, such as water, food, blankets, cots and emergency medical and rescue supplies, inspected and regulated by the City of Mountain View fire department.

District. A portion of the territory of the City of Mountain View within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this eChapter. Also known as a “zoning district.”

a. Where certain uses are required to be a specified distance from “any R district” as provided in this eChapter, the term “any R district” shall include any R1, R2, R3, R4 or RMH district, or any A district, P district or portion thereof designated for future residential uses in the Mountain View general plan.

b. The term “any C district” shall include any CN, CS, CO, or CRA district.

c. The term “any M district” shall include any ML or MM district.

Drive-in and drive-through sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. Such facilities include fast-food restaurants, drive-through dairies, etc.

Drive-in and drive-through services. Facilities where services may be obtained by motorists without leaving their vehicles. Such facilities include drive-up teller windows in banks, etc. Does not include: automatic teller machines (ATMs) or service stations, which are separately defined, or car washes, which are included in the definition of “Repair and maintenance – vehicle.”

Dual urban opportunity development. Two (2) primary dwelling units, which may be attached or detached, on an R1-zoned lot.

Dual urban opportunity housing site. An R1-zoned lot which contains up to two (2) primary dwelling units and/or was created through an urban lot split.

Duplex. A detached structure under single ownership containing two (2) dwellings.

Dwelling group. A group of three (3) or more detached dwellings having any yard or court in common.

Dwelling or dwelling unit. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one (1) kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multiple-family dwellings, mobile homes, townhouses and rowhouses, all of which are separately defined.”

Section 29. Chapter 36, Article XVII, Division 2, Section 36.60.45, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.45. - Definitions - “U.”

Urban lot split. The division of one (1) R1-zoned lot into two (2) lots through ministerial approval of a preliminary parcel map and subsequent parcel map.”

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

Section 31. 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 32. 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.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
RESCINDING MOUNTAIN VIEW CITY CODE CHAPTER 28, SUBDIVISIONS,
IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 28 OF
THE MOUNTAIN VIEW CITY CODE TO REORGANIZE AND RENUMBER THE
CHAPTER AND TO INCLUDE PROCEDURES AND STANDARDS RELATED TO
URBAN LOT SPLITS IN COMPLIANCE WITH SENATE BILL 9

WHEREAS, on September 16, 2021, the State of California enacted legislation known as Senate Bill 9 (SB 9), which added Sections 65852.21 and 66411.7 to the California Government Code, which will require local public agencies, beginning January 1, 2022, to ministerially approve lot splits and the construction of two (2) primary dwelling units on single-family zoned lots meeting certain conditions; and

WHEREAS, the revisions to Chapter 28 necessary to implement SB 9 require comprehensive renumbering of Chapter 28 in its entirety;

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

Section 1. Chapter 28 of the Mountain View City Code is hereby rescinded in its entirety, and a new Chapter 28 shall be adopted to read as follows:

“CHAPTER 28

SUBDIVISIONS

ARTICLE I.

GENERAL SUBDIVISION PROVISIONS.

SEC. 28.1. - Authority for local regulations; Application.

Pursuant to Chapters 1 through 7 of Division 2, Title 7, of the California Government Code, commencing with Section 66410, referred to herein as the Subdivision Map Act, and in addition to any other provisions of law, the provisions of this chapter shall apply to all divisions of land or parts thereof or air space hereafter made of land wholly or partially within the city limits of the city, and to the preparation of subdivision maps or parcel maps, and to other maps provided for by the Subdivision Map Act, or herein, for approval; and each such division of land and each part thereof lying within the city limits

of said city shall be made, and each map shall be prepared and presented for approval, as hereinafter provided for and required.

SEC. 28.1.05. - References to other laws.

Whenever reference is made to any portion of this Chapter or any other ordinance or statute, such reference applies to and includes all amendments and additions now or hereafter made.

SEC. 28.1.10. - Prohibitions of sale, lien or lease.

a. No person shall offer to sell or lease, to contract to sell or lease, to sell or lease, to finance any parcel or parcels of real property or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof, until a final map or parcel map, in full compliance with the provisions of this chapter, has been duly filed in the office of the county recorder.

b. Neither this Section nor any other portion of this Chapter shall apply to the leasing of apartments, offices, stores or similar spaces within an apartment building, industrial buildings or commercial buildings, or mobile home parks, or trailer parks, or to mineral, oil or gas leases.

SEC. 28.1.15. - Transactions voidable.

Any deed or conveyance, mortgage, deed of trust or other lien or lease or sale or contract to sell, mortgage, lien or lease real property made contrary to the provisions of this Chapter is voidable at the sole option of the grantee, buyer, tenant, mortgagee, beneficiary or person contracting to purchase, or to accept a lien or mortgage, or to lease as a tenant, their heirs, personal representatives or trustees in insolvency or bankruptcy, within one (1) year after the date of discovery of the violation of the provisions of this Chapter or the Subdivision Map Act, but such deed of conveyance, sale, mortgage, deed to trust, lien, lease or contract is binding upon any assignee or transferee of the grantee, mortgagee, beneficiary, tenant, buyer or person contracting therefor, other than those above enumerated, and upon the grantor, vendor, mortgagor, trustor, landlord or person so contracting, their assignee, heir or devisee.

The provisions of this Section shall not limit or affect in any way the rights of a grantee or successor-in-interest under any other provision of law.

SEC. 28.1.20. - Issuance of permits.

No building, plumbing or electrical permit shall be issued for the construction, reconstruction, alteration or modification of any building or structure situated on land

which has been divided or conveyed in a manner contrary to the provisions of this Chapter and/or the Subdivision Map Act. Any permit issued prior to such a division or conveyance shall be subject to revocation after notice and hearing.

SEC. 28.1.25. - Reapportionment of assessments.

If any lot or parcel of land upon which there is an unpaid assessment represented by bonds issued under the Improvement Procedure Code and Division 10 of the Streets and Highways Code is subdivided, including a division into condominium interests as defined in Section 783 of the California Civil Code, or the ownership of a portion of such lot or parcel of land is transferred to another person, the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall file an application in writing with the public works director. The application shall indicate how the original lot or parcel has been divided or transferred, request the public works director to apportion the amount remaining unpaid on the assessment in accordance with the California Improvement Procedure Code and the Streets and Highways Code and be accompanied by a fee in an amount to be fixed from time to time by resolution or ordinance of the city council for each separate part or parcel of land into which the original lot or parcel has been divided or transferred. The public works director shall deposit all such fees in the city treasury.

SEC. 28.1.30. - Short title.

This Chapter may be cited as the "Subdivision Ordinance of the City of Mountain View."

SEC. 28.1.35. - Definitions.

As used in this Chapter, the following words and phrases shall have the following meaning:

"Common green subdivision" shall mean a division of land in which there are both separately held parcels of land and commonly held parcels of land within the proposed development, the latter held undivided and in common by owners of the separately held parcels, all pursuant to a planned unit development approved in accordance with the provisions of the zoning ordinance of the city.

"Community apartment project" shall mean a development in which an undivided interest held in a single ownership in the land is coupled with the right of exclusive occupancy of any apartment, unit or portion of a structure located thereon. This shall include granting the right of exclusive occupancy, or the right to finance, to any individual or individuals based on the creation of tenancies-in-common and as further defined in California Civil Code Section 1351(d).

“Condominium” shall mean an estate in real property consisting of a separate interest in a dwelling unit together with an undivided interest in the balance of the property (land and improvements) which is owned in common by the owners of the individual dwelling units and as further defined in Section 783 of the California Civil Code.

“Condominium conversion” shall mean the conversion or division of a single-ownership parcel with a building or buildings into a common-interest development as defined in the California Civil Code Section 1351(c), condominium, community apartment project or stock cooperative project or tenancy-in-common form of ownership involving separate-interest ownership or permanent right of exclusive use of individual dwelling units. Condominium conversion also means the conversion of commercial, industrial or any nonresidential spaces in an existing building to condominium as defined herein.

“Condominium conversion project” shall mean a development in which the entire parcel of real property, including all structures thereon or appurtenant thereto, is subject to condominium conversion.

“Davis-Stirling Common Interest Development Act” shall mean the act set forth in the California Civil Code Division 2, Part 4, Title 6, commencing with Section 1350.

“Final map” shall mean a map of a subdivision which is prepared in accordance with the provisions of this Chapter and with any applicable provisions of the Subdivision Map Act and which is designed to be recorded in the office of the Santa Clara County recorder.

“Parcel map” shall mean a map showing division of land into fewer than five (5) lots or a division of land into five (5) or more lots that meets the conditions of the California Government Code, Sec. 66426(a), (b), (c) and (d), or a division of land creating fewer than five (5) lots by means of combining lots that may have been partially or entirely subdivided previously, which is prepared in accordance with the provisions of this Chapter and the provisions of the Subdivision Map Act and which is to be recorded in the office of the Santa Clara County recorder.

“Preliminary parcel map” shall mean a map for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

“Subdivision” shall mean the same as defined in Section 66424 of the Subdivision Map Act.

“Stock cooperative project” shall mean a project wherein a corporation is formed or availed of primarily for the purpose of holding title to an apartment project or group of more than one (1) individual rental unit, if all, or substantially all, of the shareholders of such corporation receive a right of exclusive occupancy in a dwelling unit, title to which is held by the corporation, which right of occupancy is transferred only concurrently with the transfer of shares of stock in the corporation held by the person having such right of occupancy and as further defined in the California Civil Code Section 1351(m).

“Subdivision committee” shall mean a committee consisting of the community development director, the public works director and the city manager or city attorney, or their designees, and shall constitute the advisory agency as that term is used in the Subdivision Map Act, except that, in lieu of a separate subdivision committee hearing, the subdivision committee shall refer any subdivision map being processed concurrently with a general plan amendment, amendment to the text of the zoning ordinance, amendment to the zoning map or new or amended precise plan to the environmental planning commission for concurrent review and recommendation to the city council. In the cases listed above, the environmental planning commission shall constitute the advisory agency as that term is used in the Subdivision Map Act.

“Subdivision Map Act” shall mean Chapters 1 through 7 of Division 2, Title 7, of the California Government Code, commencing with Section 66410 thereof.

“Tentative map” shall mean the same as defined in Section 66424.5 of the Subdivision Map Act.

“Urban lot split” shall mean the division of one (1) R1 (single-family residential) zoned lot into two (2) single-family zoned lots, which shall only be used for residential uses.

Other definitions. Except as otherwise provided in this Chapter, all terms used in this Chapter which are defined in the Subdivision Map Act or the Davis-Stirling Common-Interest Development Act are used in this Chapter as so defined, unless from the context thereof it clearly appears that a different meaning is intended.

ARTICLE II.

ENVIRONMENTAL AND PLANNING FINDINGS.

SEC. 28.2. - Mandatory finding.

No tentative or final subdivision map hereunder shall be approved unless the proposed subdivision, together with the provisions for its design and improvement, is

consistent with general plan or applicable precise plan and the city council so finds. Failure of the city council to so find shall require disapproval of the proposed map.

SEC. 28.2.05. - Permissive findings.

The city council shall deny approval of a tentative or final subdivision map if it makes any of the following findings:

a. That the proposed map is not consistent with the general and/or applicable precise plan.

b. That the design or improvement of the proposed subdivision is not consistent with the general plan and/or applicable precise plan.

c. That the site is not physically suitable for the type of development.

d. That the site is not physically suitable for the proposed density or development.

e. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

f. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at-large, for access through or use of property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

g. That the design and proposed improvements of the subdivision are not consistent with local guidelines relating to implementation of the California Environmental Quality Act of 1970.

SEC. 28.2.10. - Environmental finding.

The city council shall deny approval of a tentative or final subdivision map if it finds that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

SEC. 28.2.15. - Compliance with tentative map.

The city council shall not deny approval of a final subdivision map pursuant to Sec. 28.12.05 or 28.12.10 of this Chapter if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

ARTICLE III.

PRELIMINARY PARCEL MAPS, URBAN LOT SPLITS AND TENTATIVE MAPS.

DIVISION 1.

PRELIMINARY PARCEL MAPS.

SEC. 28.3. - Filing.

One (1) electronic copy of a preliminary parcel map of a proposed division of land and a completed application form shall be filed with the community development director by the subdivider or their agent.

A preliminary parcel map and parcel map shall be required for subdivisions as to which a tentative map and final map is not otherwise required by Chapter 28, Mountain View City Code, and the Subdivision Map Act. The requirement for a parcel map shall be waived if the subdivision meets the provisions of Sections 66428.a(1) and (2) of the Subdivision Map Act.

SEC. 28.3.05. - Lot line adjustment.

No preliminary parcel map or parcel map shall be required for lot line adjustments between four (4) or fewer existing adjoining parcels where the land taken from one (1) parcel is added to an adjoining parcel and where a greater number of parcels than originally existing is not thereby created if the lot line adjustment is approved by the subdivision committee in accordance with Section 66412(d) of the Subdivision Map Act. The parcels resulting from the lot line adjustment shall conform to the general plan, any applicable precise plan and zoning and building ordinances. The lot line adjustment shall be reflected in a deed, which shall be recorded. The subdivision committee shall review and approve lot line adjustments.

SEC. 28.3.10. - Filing fee.

At the time of filing the preliminary parcel map, the subdivider or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

At the time of filing an application for lot line adjustments, the applicant or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

SEC. 28.3.15. - Form of preliminary parcel map.

A preliminary parcel map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen (18) inches by twenty-six (26) inches, or twenty-four (24) inches by thirty-six (36) inches if approved by the city engineer, and shall be drawn to a scale of one inch to forty feet (1" = 40') or to a scale large enough to show all details clearly; provided, however, that in the case of a preliminary parcel map relating to very large areas, the community development director may, in addition, require one (1) map of lesser scale depicting the entire area. The form of the preliminary parcel map shall adhere to the written requirements of the city engineer.

SEC. 28.3.20. - Content.

a. The preliminary parcel map shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The name or designation.
2. The north point, scale and description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements, whether public or private, and whether for roads, drainage, sewage, public utilities, bikeways or any other purpose.
7. A number or letter for each lot.
8. The approximate lot layout and approximate dimensions of each lot.

9. The present and proposed location and outline to scale of any existing buildings to remain on the property.

10. The proposed use of the property.

11. The public areas proposed for parks, playgrounds, open space and like uses.

12. The proposed method of sewerage and sewage disposal.

13. The names of adjoining property owners.

14. The location of existing utility poles and anchors.

15. Existing contours and any proposed modification to the grading of the land.

16. The size and species of all existing trees.

17. The locations and names of streams, creeks or water courses within one hundred (100) feet of the property.

18. FEMA special flood hazard zone designation for the area where the property is located.

19. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.

b. In the event it is impossible or impracticable to place upon the preliminary parcel map any information hereinabove required, such information shall be furnished in a written statement which shall be submitted with the said map. Additionally, written statements shall be submitted with the preliminary parcel map containing the following information:

1. A copy of any and all existing and proposed restrictive covenants.

2. Reasons purporting to justify any departure from the terms of this Chapter.

SEC. 28.3.25. - Procedure for review and decision of preliminary parcel maps.

a. **Subdivision committee.** On the date set for consideration of the preliminary parcel map, the members of the subdivision committee shall present their report and recommendations and shall hear the comments and opinions of the subdivider and their surveyor or engineer. Within fifty (50) days after the said copies of the preliminary parcel map have been filed, the subdivision committee shall approve, conditionally approve or disapprove the said preliminary parcel map. The fifty (50) day time period specified shall commence after certification of the environmental report, adoption of a negative declaration or a determination by the city that the project is exempted from the requirement of Division 13 of the State Public Resources Code.

b. **Notification.** Within ten (10) days of that action, the secretary of the subdivision committee shall notify the subdivider in writing of the action taken. In the event of conditional approval, the subdivider shall be advised of the conditions which attach to the said approval.

c. **Time limit.** If no action is taken by the subdivision committee within the fifty (50) day period specified herein, the preliminary parcel map as filed shall be deemed approved unless the time limit has been extended by mutual consent of the subdivider and the subdivision committee.

d. **Appeals.** If the subdivider is dissatisfied with any action of the subdivision committee with respect to the preliminary parcel map, they may, within fifteen (15) days after notification of such action, appeal to the city council for a hearing thereon. The city council shall hear the appeal within thirty (30) days of the time of filing of the appeal or at its next succeeding regular meeting after receipt of a report of the subdivision committee on the appeal, whichever is sooner, and shall at that time either approve, conditionally approve or disapprove the said preliminary parcel map, unless the time limit has been extended by mutual consent of the subdivider and the city council.

DIVISION 2.
URBAN LOT SPLITS.

SEC. 28.4. - Filing.

One (1) electronic copy of a preliminary parcel map for a proposed urban lot split shall be filed with the community development director by the subdivider or their agent.

SEC. 28.4.05. - Filing fee.

At the time of filing the preliminary parcel map for an urban lot split, the subdivider or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

SEC. 28.4.10. - Form of preliminary parcel map for an urban lot split.

A preliminary parcel map for an urban lot split shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen (18) inches by twenty-six (26) inches, or twenty-four (24) inches by thirty-six (36) inches if approved by the city engineer, and shall be drawn to a scale of one inch to forty feet (1" = 40') or to a scale large enough to show all details clearly; provided, however, that in the case of a preliminary parcel map relating to very large areas, the community development director may, in addition, require one (1) map of lesser scale depicting the entire area. The form of the preliminary parcel map shall adhere to the written requirements of the city engineer.

SEC. 28.4.15. - Content.

a. The preliminary parcel map for an urban lot split shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The name or designation.
2. The north point, scale and description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements whether public or private and whether for roads, drainage, sewage, public utilities, bikeways or any other purpose.
7. A number or letter for each lot.
8. The approximate lot layout and approximate dimensions of each lot.

9. The present and proposed location and outline to scale of any existing buildings to remain on the property.

10. The proposed use of the property.

11. The footprint and type of all residential dwelling units that are to be demolished, to remain or proposed.

12. The proposed method of sewerage and sewage disposal.

13. The names of adjoining property owners.

14. The location of existing utility poles and anchors.

15. Existing contours and any proposed modification to the grading of the land.

16. The size and species of all existing trees.

17. The locations and names of streams, creeks or water courses within one hundred (100) feet of the property.

18. FEMA special flood hazard zone designation for the area where the property is located.

19. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.

b. Additionally, written statements shall be submitted with the preliminary parcel map for an urban lot split containing the following information:

1. Signed affidavit stating that the applicant intends to occupy one (1) of the units as their primary residence for at least three (3) years, unless the applicant is community land trust or a qualified nonprofit corporation as described in the California Government Code.

2. A copy of any and all existing and proposed restrictive covenants.

3. Reasons purporting to justify any departure from the terms of this Chapter.

SEC. 28.4.20. - Procedure for review and decision of preliminary parcel maps for urban lot splits.

a. **Community development director.** Within fifty (50) days after the said copies of the preliminary parcel map have been filed, the community development director or their agent shall approve or disapprove the said preliminary parcel map, unless the time limit has been extended by mutual consent of the subdivider and the community development director.

Notwithstanding anything else in this Section, the city may deny an application for an urban lot split if the chief building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include: (1) inconsistency with the zoning ordinance or general plan land use designation; or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

b. **Notification.** Within ten (10) days of the action, the subdivider shall be notified in writing of the action taken.

c. **Parcel map.** Following an approval of a preliminary parcel map for an urban lot split, the subdivider shall file an application for a parcel map to the city engineer or designee, pursuant to the requirements set forth in Sec. 28.6, *et seq.*

SEC. 28.4.25. - Improvements.

No off-site improvement or land dedication shall be required for an urban lot split, including undergrounding of electric, communication or similar or associated utility services. Easement(s) may be required for the provision of public services, facilities and access to the parcel(s) created by the urban lot split.

DIVISION 3.
TENTATIVE MAPS.

SEC. 28.5. - Filing.

One (1) electronic copy of a proposed division of land and a completed application form shall be filed with the community development director by the subdivider or their

agent. The community development director shall stamp or write on each copy of said tentative map the date of receipt thereof and shall return one (1) copy to the person filing said map.

SEC. 28.5.05. - Filing fee.

At the time of filing the tentative map, the subdivider or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

SEC. 28.5.10. - Form of tentative map.

A tentative map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen (18) inches by twenty-six (26) inches, or twenty-four (24) inches by thirty-six (36) inches if approved by the city engineer, and shall be drawn to a scale of one inch to one hundred feet (1" = 100') or to a scale large enough to show all details clearly; provided, however, that in the case of tentative maps relating to very large tracts, the community development director, in addition, may require one (1) map of lesser scale depicting the entire tract.

SEC. 28.5.15. - Content.

a. The tentative map shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The tract number, name or designation.
2. The north point, scale and a description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements, whether public or private, and whether for roads, drainage, sewage, public utilities, bikeways or any other purposes.
7. A number or letter for each lot.

8. The approximate lot layout and approximate dimensions of each lot.
9. The present and proposed location and outline to scale of any existing buildings to remain on the property.
10. The proposed use of the property.
11. The public areas proposed for parks, playgrounds, open space and like uses.
12. The proposed method of sewerage and sewage disposal.
13. The names of adjoining property owners.
14. The location of existing utility poles and anchors.
15. The size and species of all existing trees.
16. The locations and names of streams, creeks or water course within one hundred (100) feet of the property.
17. FEMA special flood hazard zone designation for the area where the property is located.
18. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.
19. Whether phased or multiple final maps will be filed on the tentative map.
 - b. In the event it is impossible or impracticable to place upon the tentative map any information hereinabove required, such information shall be furnished in a written statement which shall be submitted with said map. In addition to the above, the following information shall be submitted with the tentative map:
 1. A grading plan showing existing and proposed grades and the method of disposing of storm waters.
 2. A copy of any and all existing and proposed restrictive covenants.
 3. Reasons purporting to justify any departures from the terms of this Chapter.

SEC. 28.5.20. - Procedure for review and decision of tentative maps.

a. **Subdivision committee.** Within fifty (50) days after the required number of copies of the tentative map have been filed, the subdivision committee shall review and consider the tentative map. The fifty (50) day time period specified shall commence after certification of the environmental report, adoption of a negative declaration or a determination by the city that the project is exempted from the requirement of Division 13 of the State Public Resources Code. After giving due consideration to the tentative map, any supporting materials or comments submitted by the subdivider and any relevant staff reports, comments and recommendations, the subdivision committee shall either recommend approval, conditional approval or disapproval of said tentative map to the city council. The recommendation of the subdivision committee regarding said tentative map shall take the form of a written report. Unless the time limit hereinafter mentioned has been extended by the mutual consent of the subdivider and the subdivision committee, said written report shall be transmitted by the subdivision committee to the city council within fifty (50) days after the tentative map has been filed, and a copy of said written report shall be provided to the subdivider.

b. **Fixing of hearing date before the city council and notice thereof.** At the next regular meeting of the city council following receipt of the subdivision committee's report, the city council shall fix a meeting date, at which it will consider said tentative map, which meeting date shall be within thirty (30) days thereafter. The thirty (30) day time period specified shall commence after certification of the environmental report, adoptions of a negative declaration or a determination by city that the project is exempted from the requirements of Division 13 of the State Public Resources Code. Notice of the time and place of said council meeting, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten (10) days before the meeting. Such notice shall be given by publication once in a newspaper of general circulation published and circulated in the city or if there is none by posting the notice in at least three (3) public places in the city, or by publication in a newspaper of general circulation printed and published in the County of Santa Clara and circulated in the city. The city shall provide notice of the application to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll, as owning real property within three hundred (300) feet of the property which is the subject of the application.

1. The notice shall be given by at least one (1) of the following methods:

(a) Direct mailing to the owners.

(b) Posting of notice by the city on and off the site in the area where the project is to be located.

(c) Delivery of notice by any means other than mail to the owners.

(d) Any other method reasonably calculated by the city to provide actual notice of the hearing.

2. Nothing contained in this Section shall preclude the city from providing additional notice by other means, nor shall the requirements of this Section preclude the city from providing the necessary notice at the same time and in the same manner as public notice otherwise required by law for such project.

c. **Consideration by the city council.** On the date set by the city council for consideration of the tentative map, or on such other date as the city council may continue the matter, the city council shall either approve, conditionally approve or disapprove the tentative map. If no action is taken by the city council within thirty (30) days after the date the city council fixes a meeting date to consider said tentative map, the tentative map, as filed, shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act and of this Chapter, unless the said time limit has been extended by the mutual consent of the subdivider and the city council.

d. **Notification.** The city council shall notify the subdivider in writing of the action taken. In the event of a conditional approval, the subdivider shall be advised of the conditions which are attached to the said approval.

ARTICLE IV.
PARCEL MAPS AND FINAL MAPS.

DIVISION 1.
PARCEL MAPS.

SEC. 28.6. - Filing.

a. **Procedure.** Within twenty-four (24) months after approval or conditional approval of the preliminary parcel map, the subdivider may cause a parcel map to be prepared in accordance with the approved preliminary parcel map, the provisions of this chapter and the Subdivision Map Act. The subdivider shall submit calculations indicating lot closures and areas and two (2) copies of the parcel map to the public works director for review prior to filing.

b. **Fee.** In addition to all other fees or charges required by law, with the initial submittal of the parcel map for review, the subdivider shall pay a map checking fee in an amount fixed by resolution or ordinance of the city council.

c. **Extension of time.** Upon application of the subdivider, an extension of time not to exceed an additional twelve (12) months may be granted by the subdivision committee. Prior to the expiration of an approved or conditionally approved preliminary parcel map, upon the application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first. In the event the subdivision committee denies a subdivider's application for extension of time, the subdivider may, within fifteen (15) days after such action, appeal to the city council.

d. **Effect of failure to record.** The failure to record a parcel map within a period of twenty-four (24) months after the approval or conditional approval of the preliminary parcel map or any extension thereof granted by the subdivision committee shall terminate all proceedings. Before a parcel map may thereafter be recorded a new preliminary parcel map shall be submitted.

SEC. 28.6.05. - Form.

a. **General.** A parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall be a map legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by distinctive symbols and clearly so designated. The border must not obliterate figures or other data, but it must be dark enough to show on a normal reproduction.

b. **Titles.** The title sheet shall contain the title "Parcel Map" and a subtitle giving a general description of the property being mapped by reference to maps which have previously been recorded or by reference to the plat of any United States survey. References to tracts and divisions of land in the description must be spelled out and worded identically with original records, and references to book and page numbers must be complete. The title sheet shall contain the basis of bearing. Each parcel shall be shown complete on one (1) sheet. Every sheet comprising the map proper shall be shown complete on one (1) sheet. Every sheet comprising the map proper shall be drawn to the same scale, bear the title (but not subtitle), north point and sheet numbers. If more than

one (1) sheet is required, the title sheet shall contain a small-scale undimensioned map of the complete division of land.

SEC. 28.6.10. - Content.

The parcel map shall contain the following information:

a. The boundaries of the property, the lines of all proposed streets and alleys with their widths and names and any other portions intended to be dedicated to the public use. In the case of branching streets, the line or departure from one (1) street to another shall be indicated.

b. The lines of all adjoining properties, the lines of adjacent streets and alleys, showing their widths and names.

c. Wherever the city has established a system of coordinates, the survey shall be tied into such system.

d. All lot lines, numbers for all lots and blocks and easements with figures showing their dimensions and recording data clearly labeled and identified, including building setback lines. A statement or map from the respective utility companies showing required easements to provide their service may be required by the public works director for checking the parcel map.

e. All dimensions, both linear and angular, for locating boundaries of subdivisions, lot, street and alley lines, easements and any other public and private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

f. All permanent monuments, together with their descriptions showing fully and clearly their location and size, and if any points were reset by ties, that fact shall be stated.

g. City boundaries which cross or adjoin the division of land shall be clearly designated and located in relation to adjacent lot or block lines.

h. Area of parcels created, shown to the nearest square foot or one-thousandth (1/1,000) of an acre.

i. The following certificates and acknowledgments must appear on the title sheet of all such parcel maps:

1. Certificate of surveyor or engineer with their registered engineer's number or licensed land surveyor's number.

2. Certificate of approval by the city engineer.
3. Certificate for execution by the county recorder.
4. A statement signed and acknowledged by all parties having record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map pursuant to Section 66445 of the Subdivision Map Act.

Such title sheet shall also contain such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and this Chapter. Such title sheet shall be arranged so places requiring notarial seals shall be as near as possible to the border lines.

SEC. 28.6.15. - Survey requirements.

The parcel map shall be based on a field survey made in conformance with the Land Surveyor's Act or compiled from recorded or filed data when survey information exists on filed maps to sufficiently locate and retrace the exterior boundary lines of the parcel map and when the location of at least one (1) of these boundary lines can be established from an existing monumented line.

In either of the above cases, each line dividing a parcel shall have iron pipes set at all points of intersection of lines and at the beginning and end of curves.

The parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map stating that all monuments or iron pipes are of the character and occupy the positions indicated or that they will be set in those positions on or before a specified date.

The parcel map shall show the basis of bearings, survey bearings and distances, various parcels, curve data, ties to adjoining streets and one (1) or more existing monuments of record, all iron pipes placed in making the survey, and the stakes, monuments or other evidences found on the ground to determine the boundaries of the area being mapped. If points were reset by ties, that fact shall be stated.

All maps shall show deed bearings and distances, adjusted bearings and distances, adjoining corners identified by recording data, names and/or section and range or other proper designation.

All maps shall show the centerline and monument line, if any, of a street or alley and all existing monuments along the frontage or the immediate vicinity of the area being mapped.

SEC. 28.6.20. - Other requirements.

The parcel map shall also show all other data and meet all other requirements as may be required by the Subdivision Map Act.

SEC. 28.6.25. - Form of dedication.

Dedications or offers of dedications required by this Chapter shall be set forth on the face of the parcel map, and the city manager or designee is authorized to accept the same or shall be made by separate instrument in a form subject to the approval of the city attorney. All offers of dedications shall be in such terms as to be binding upon the owners, their heirs, assigns or successors-in-interest and shall continue until the city accepts, accepts subject to improvements or rejects the offer. If dedications or offers of dedications are made by separate instrument, such dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel map being filed for record.

SEC. 28.6.30. - Approval and recording of the parcel map.

a. **City engineer.** Upon receipt of the parcel map, the city engineer shall make such detailed examination of the map and such field check as may be necessary to enable them to make the certificate required by the Subdivision Map Act. The city engineer may refer the parcel map to appropriate city departments for review. The city engineer shall complete their review of the parcel map within twenty (20) days from the time the parcel map is submitted to them by the subdivider for approval or within such additional time as may be reasonably necessary. If the parcel map conforms to the approved preliminary parcel map and the conditions of approval have been completed to the satisfaction of the city engineer and all provisions of appropriate state law and this Chapter, the city engineer shall complete the city engineer's certificate thereon.

b. **Copy of recorded parcel map.** The subdivider shall furnish to the city a copy of the recorded parcel map on material as prescribed by the city engineer.

SEC. 28.6.35. - Improvements.

a. **Subdivider's obligations.** The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements laid out in such a manner and with such improvements, and do all such other work of improvements as are necessary for the general use of the lot owners in the division of land and local neighborhood traffic and as may be required by this Chapter.

b. **Agreement to construct improvements.** If any improvements are not completed to the satisfaction of the city engineer before the parcel map is recorded, the

subdivider shall, prior to the approval by the city engineer of the parcel map, enter into an agreement with the City of Mountain View, whereby in consideration of the approval of the division of land, the subdivider agrees to furnish all necessary equipment and materials and to complete such work within the time specified within such agreement. The said agreement may, at the option of the city, be recorded.

c. **Bonding for improvements.** The agreement referred to in the preceding paragraph shall be accompanied by a faithful performance bond guaranteeing faithful performance of all work, inspection of which is the duty of the city engineer, in a penal sum which in the opinion of the city engineer is equal to the cost of the said improvements, and by a labor and materials bond guaranteeing the necessary labor and materials in a penal sum which in the opinion of the city engineer is equal to the cost of said improvements.

d. **Release of bonds.** All improvement security shall be maintained in full force and effect for a period of twelve (12) months following acceptance of all improvements by the city to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the city engineer if, in the city engineer's opinion, such substitution or partial release is consistent with proper completion or maintenance of the work and protection of possible lien holder; and further provided that the amount of the continuing security shall in no case be less than twenty-five (25) percent of the amount of the original security.

e. **Insurance.** The subdivider shall obtain commercial general liability insurance and automobile liability insurance, each written on an occurrence basis in the amount not less than one million dollars (\$1,000,000) per occurrence. All certificates of insurance must name the City of Mountain View, and the city's officers, employees and volunteers as additional insured and must be accompanied by an additional insured endorsement. Each insurance policy shall be endorsed that a thirty (30) day notice be given to the city in the event of cancellation or modification to the stipulated insurance coverage. Insurance shall be provided through carriers with an *A.M. Best's Rating* of A:VII or higher. Insurance, deductibles or self-insurance retentions shall be subject to the city's approval. Original certificate of insurance with endorsements shall be received and approved by the city before work commences, and insurance must be in effect for the duration of the agreement referred to in subsection (b). The amount and the terms of insurance coverage required may change from time to time by the city.

If the subdivider and/or its contracting party is a company with employees, the subdivider shall obtain and maintain statutory workers' compensation insurance and employer's liability insurance in the amount not less than one million dollars (\$1,000,000) per accident. The amount and terms of this insurance coverage required may change from time to time by the city or by law.

DIVISION 2.
FINAL MAPS.

SEC. 28.7. - Filing.

a. Procedure. Within twenty-four (24) months after approval or conditional approval of the tentative map of a subdivision, the subdivider may cause a final map to be prepared in accordance with the approved tentative map, the provisions of this Chapter and the Subdivision Map Act. The subdivider shall submit calculations indicating lot closures and areas and four (4) copies of the final map to the city engineer for review by the appropriate departments and presentation to the city council. In all instances, except where the final map is for the purpose of effecting a reversion to acreage, the final map shall be based on an accurate survey of the land in question.

b. Fee. In addition to all other fees and charges required by law, with the initial submittal of the final map for review, the subdivider shall pay a map checking fee, the amount of which shall be set by resolution or ordinance of the city council.

c. Extension of time. The time for filing a final map may be extended not to exceed twelve (12) months by the city council. If the time extension does not involve amending the approved tentative map conditions or adding new map conditions, the time extension not to exceed twelve (12) months may be granted by the subdivision committee.

d. Effect of failure to record. The failure to record a final map within a period of twenty-four (24) months after the approval or conditional approval of the tentative map or any extension thereof granted by the city council, or by the subdivision committee as provided in subsection (c), shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

SEC. 28.7.05. - Form.

a. General. A final map shall be prepared by a registered civil engineer or licensed land surveyor. It shall be a map legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film, including affidavits, certificates and acknowledgments, except that such affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map

shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The boundary of the mapped area shall be designated by a one-eighth (1/8) inch blue border applied on the reverse side of the tracing and inside the boundary line. The border must not obliterate figures or other data, but it must be dark enough to show on a normal reproduction. It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves.

b. **Title and subtitle.** The title of each such final map shall consist of a tract number and a name, if any, including the current address, conspicuously placed at the top of the sheet. The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete.

SEC. 28.7.10. - Content.

The final map shall contain the following information:

a. The boundaries of the property, the lines of all proposed streets and alleys with their widths and names, and any other portions intended to be dedicated to the public use. In the case of branching streets, the line of departure from one street to another shall be indicated.

b. The lines of all adjoining properties, the lines of adjacent streets and alleys, showing their widths and names.

c. Wherever the city has established a system of coordinates, the survey shall be tied into such system.

d. All lot lines, numbers for all lots and blocks and easements with figures showing their dimensions and recording data clearly labeled and identified. A statement or map from the respective utility companies showing required easements to provide their service may be required by the public works director for checking the final map.

e. All dimensions, both linear and angular, for locating boundaries of subdivisions, lot, street and alley lines, easements and any other public and private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

f. All permanent monuments together with their descriptions showing fully and clearly their location and size, and if any points were reset by ties, that fact shall be stated.

g. City boundaries which cross or adjoin the subdivision shall be clearly designated and located in relation to adjacent lot or block lines.

h. Area of parcels created, shown to nearest square foot or one-thousandth (1/1,000) of an acre.

i. The following certificates and acknowledgments must appear on the title sheet of all such final maps:

1. Certificate of surveyor or engineer with their registered engineer's number or licensed land surveyor's number.

2. Certificate executed by those parties having any record title interest in the real property being subdivided consenting to the preparation and recordation of the final map and acknowledging and offering dedications, if any.

3. Certificate of approval by the city engineer showing, among other things, that the final map is substantially the same as the approved tentative map and the date of approval of the tentative map.

4. Certificate for execution by the city clerk stating that the city council approved the final map and accepted the offer of dedications and made any and all findings required pursuant to Article VII of this Chapter.

5. Certificate for execution by the county recorder. Such title sheet shall also contain such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and this Chapter. Such title sheet shall be arranged so places requiring notarial seals shall be as near as possible to the border line.

SEC. 28.7.15. - Survey requirements.

a. The final map shall be based on a field survey made in conformance with the Land Surveyor's Act. Permanent monuments shall be set at all street intersections and between street intersections where necessary to preserve the street alignment. Permanent monuments shall be as shown in the standard provisions of the City of Mountain View. In general, the permanent street monuments shall be located five (5) feet south and east of points to be monumented. Iron pipes shall be placed in the ground at all boundary corners, lot corners, angle points and beginning and termination of curves on lot lines. All monuments and iron pipes shall be subject to inspection and approval by the public

works director before transmission of the final map to the city council, unless their installation has been deferred, as hereinafter provided.

1. **Deferment.** In the event any of the monuments required to be set are to be set subsequent to the recordation of the final map, the map shall show which monuments are to be so set.

b. The final map shall show the basis of bearings, survey bearings and distances, various parcels, curve data, ties to adjoining streets and one (1) or more existing monuments of record, all iron pipes placed in making the survey, and the stakes, monuments or other evidences found on the ground to determine the boundaries of the area being mapped. If points were reset by ties, that fact shall be stated.

c. All maps shall show deed bearings and distances, adjusted bearings and distances, adjoining corners identified by recording data, names and/or section and range or other proper designation.

d. All maps shall show the center line and monument line, if any, of a street or alley, and all existing monuments along the frontage or the immediate vicinity of the area being mapped.

SEC. 28.7.20. - Other requirements.

The final map shall also show all other data as may be required by law.

SEC. 28.7.25. - Approval and recording of the final map.

The final map shall be processed by the city in the following manner:

a. **City engineer.** Upon receipt of the final map, which must bear the signature of the surveyor or engineer and of all owner or owners, the city engineer shall check it as to correctness of surveying data, certificates of dedication and such other matters as require checking to assure compliance with the provisions of law and of this Chapter. If the final map is in the correct form prescribed by this Chapter and the Subdivision Map Act and the matters shown thereon are sufficient and all conditions of approval have been completed to the satisfaction of the city engineer, the city engineer shall complete the city engineer's certificate in the form prescribed by the Subdivision Map Act. The city engineer shall thereupon present the said map, together with the said other materials, to the city council for their acceptance.

The date the map shall be deemed filed with the city council is the date of the meeting at which the city council receives the map.

b. **City council.** The city council shall, at the meeting at which it receives the map, or at its next regular meeting after the meeting at which it receives the map, approve said map if the same conforms to all the requirements of this Chapter and the Subdivision Map Act applicable at the time of approval of the tentative map and any rulings made thereunder. The city council shall, at that time, also accept, accept subject to improvements or reject any and all offers of dedications of land for public use.

After the map has been recorded, the subdivider shall provide the city engineer with one (1) electronic copy and one (1) duplicate tracing of each sheet on a material approved by the city engineer. If the map is disapproved by the city council, it shall be returned with the reasons for such disapproval to the city engineer, who shall return the same to the subdivider.

SEC. 28.7.30. - Improvements.

a. **Subdivider's obligations.** The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements laid out in such a manner and with such improvements, and do all such other work of improvements as are necessary for the general use of the lot owners in the division of land and local neighborhood traffic and as may be required by this Chapter.

b. **Agreement to construct improvements.** If any improvements are not completed to the satisfaction of the city engineer before the final map is recorded, the subdivider shall, prior to the approval by the city council of the final map, enter into an agreement with the City of Mountain View whereby in consideration of the approval of the division of land, the subdivider agrees to furnish all necessary equipment and materials and to complete such work within the time specified within such agreement. The said agreement may, at the option of the city, be recorded.

c. **Bonding for improvements.** The agreement referred to in the preceding paragraph shall be accompanied by a faithful performance bond guaranteeing faithful performance of all work, the inspection of which is the duty of the city engineer, in a penal sum which, in the opinion of the city engineer, is equal to the cost of the said improvements and by a labor and materials bond guaranteeing the necessary labor and materials in a penal sum which, in the opinion of the city engineer, is equal to the cost of the said improvements.

d. **Release of bonds.** All improvement security shall be maintained in full force and effect for a period of twelve (12) months following acceptance of all improvements by the city to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the city engineer if, in the city engineer's opinion, such substitution or partial release is consistent with proper

completion or maintenance of the work and protection of possible lien holder; and further provided that the amount of the continuing security shall in no case be less than twenty-five (25) percent of the amount of the original security.

e. **Insurance.** The subdivider shall obtain commercial general liability insurance and automobile liability insurance, each written on an occurrence basis in the amount not less than one million dollars (\$1,000,000) per occurrence. All certificates of insurance must name the City of Mountain View and the city's officers, employees and volunteers as additional insured and must be accompanied by an additional insured endorsement. Each insurance policy shall be endorsed that a thirty (30) day notice be given to the city in the event of cancellation or modification to the stipulated insurance coverage. Insurance shall be provided through carriers with an *A.M. Best's Rating* of A:VII or higher. Insurance, deductibles or self-insurance retentions shall be subject to the city's approval. Original certificate of insurance with endorsements shall be received and approved by the city before work commences, and insurance must be in effect for the duration of the agreement referred to in subsection (b). The amount and the terms of insurance coverage required may change from time to time per city requirements.

If the subdivider and/or the subdivider's contracting party is a company with employees, the subdivider shall obtain and maintain statutory workers' compensation insurance and employer's liability insurance in the amount not less than one million dollars (\$1,000,000) per accident. The amount and terms of this insurance coverage required may change from time to time by the city or by law.

ARTICLE V. DESIGN STANDARDS.

DIVISION 1. GENERAL.

SEC. 28.8. - Applicability.

Unless otherwise proposed by the subdivider and approved by the subdivision committee or the city council, streets within a division of land shall be subject to the following regulations.

SEC. 28.8.05. - Duty to improve; Manner.

The subdivider shall agree to improve all streets, highways or public ways which are a part of or adjacent to the division of land. All street improvements must be according to standards established by the City of Mountain View, shall be constructed under the inspection of and to the approval of the public works director and shall include, but not be limited to, necessary paving, curbs, gutters, sidewalks, bikeways, catch basins,

pipes, culverts, bridges, storm drains, sanitary sewers and laterals, water mains and services, fire hydrants, street lighting, street monuments, street signs and street trees and such other specific improvements as may be required to meet the conditions created by any particular development. All underground utilities installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Connections for all underground utilities, water, storm and sanitary sewers shall be laid to such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made. The cost of inspection shall be paid by the subdivider in the amounts set by resolution or ordinance of the city council. This cost of inspection shall be paid to the city prior to approval of the parcel map or final map.

SEC. 28.8.10. - Plans and specifications.

Plans and specifications for all improvement work are to be provided by the subdivider and shall be submitted to and approved by the public works director before any improvement work is commenced. The cost of checking the plans and specifications shall be set by resolution or ordinance of the city council and shall be paid by the subdivider:

a. With the initial submittal of the improvement plans based on an initial estimate of the cost of improvements; and

b. Prior to approval of the parcel map or final map based on the final estimate of the cost of improvements in accordance with the approved plans less the amount previously paid with the initial submittal.

After the plans are approved, the subdivider shall provide the city with the original tracing (or duplicate tracing) of a quality acceptable to the public works director. Job or construction surveying and stakes shall be the responsibility of the subdivider.

SEC. 28.8.15. - Drainage, access and public safety structure.

Structures for drainage, access or public safety shall be installed when it is deemed necessary by the public works director.

SEC. 28.8.20. - Street width.

The right-of-way width of any street or thoroughfare shall be as provided in Article V of Chapter 27 of the Mountain View City Code, being the street improvement standards ordinance of the city, or such width and alignment as shown on any street plans or precise plan of streets adopted by resolution of the city council. The minimum standard street right-of-way width shall be at least sixty (60) feet. In such cases as special

circumstances may warrant, the subdivision committee or the city council may authorize a street of lesser right-of-way width, but not less than fifty (50) feet, unless a further reduction in right-of-way width is authorized as an integral part of a planned unit development and established pursuant to the provisions of Chapter 36 of the Code of the City of Mountain View.

SEC. 28.8.25. - Alley widths.

The minimum width of an alley right-of-way shall be twenty (20) feet.

SEC. 28.8.30. - Dead-end streets (cul-de-sacs).

The design of a dead-end street (cul-de-sac) shall include adequate provisions for drainage and for a turnaround at the end of the street. In residential subdivisions, a turning circle with a minimum radius of at least forty (40) feet at the face of the curb and at least fifty (50) feet at the property line shall be provided. In industrial subdivisions, a turning circle with a minimum radius of at least fifty (50) feet at the face of the curb and at least sixty (60) feet at the property line shall be provided. Dead-end streets (cul-de-sacs) shall not exceed a length of seven hundred (700) feet in the R1 and R2 residential zoning districts or four hundred (400) feet in all other zoning districts, all measured from the center of the turning circle to the intersection of the street centerline, unless topography or other special conditions warrant a longer street and specific authorization for such longer street is obtained from the subdivision committee or the city council as appropriate.

SEC. 28.8.35. - Relation to adjacent street systems.

Streets within a division of land shall be designed to relate in the following ways to adjacent street systems:

a. **Alignment.** Alignment of streets in new divisions of land shall conform to and provide for the continuation of the principal adjacent preexisting streets or their proper projection where adjoining property has not been developed.

b. **Width.** The streets shall be at least as wide as the preexisting streets to which they relate and shall be situated in such a way as to accommodate rational future access and street patterns.

c. **Intersection at right angles.** Streets shall intersect at right angles or at nearly right angles unless otherwise approved by the public works director.

d. **Access control strip.** Whenever the preliminary parcel map or tentative map indicates that an unfinished street or half-street within a division of land abuts adjacent

land and it is the intention of the city that the street eventually will extend over or be completed upon the said adjacent land, the subdivision committee or the city council shall require the subdivider to dedicate to the city in fee a one (1) foot strip along the perimeter portion of the unfinished street or half-street which abuts the adjacent land for the purpose of controlling access to the said street from the adjacent land.

SEC. 28.8.40. - Relationship to transit rights-of-way.

The streets within a division of land shall be designed to relate in the following ways to adjacent railroad and transit rights-of-way.

a. **Grade separations.** Wherever any street within a division of land intersects a railroad or transit right-of-way and the subdivision committee or the city council in the exercise of its discretion concludes that a grade separation or underpass should ultimately be installed at such intersection, the street layout of the division of land shall be such as to conform to the plan for such grade separation or underpass, and each lot abutting upon a proposed cut or fill necessary for the approach to such grade separation or underpass shall be given suitable access elsewhere.

b. **Streets in industrial area.** When a division of land adjoins a railroad or transit right-of-way in an area of the city designated for industrial use by the general plan of the City of Mountain View, streets within the division of land running in the same general direction as the said right-of-way and adjacent to it shall be as nearly parallel to such right-of-way as possible and at least one (1) lot depth distance therefrom.

c. **Transit stops.** Where any proposed street in a division of land constitutes or is likely to constitute a part of a transit system for the movement of people within the city or region, said streets shall be designed in such a way as to provide convenient areas for the stopping, loading and unloading of transit vehicles within the public right-of-way.

SEC. 28.8.45. - Street names.

a. **Public streets.** Street names shall not duplicate or phonetically approximate the names of other streets within the city or its environs. Extensions of preexisting streets shall bear the name of the preexisting street. All street names shall be subject to the approval of the public works director.

b. **Private ways.** Private streets, driveways or drives which are to be named shall also be subject to the provisions of this Section.

SEC. 28.8.50. - Street trees.

Trees shall be planted along all streets and public ways included within and bordering divisions of land pursuant to the master street tree plan for the city and to the approval of the community services director. The said trees shall be kept watered by the subdivider or subsequent owners of said lots to which they relate.

SEC. 28.8.55. - Lighting.

All lighting on dedicated rights-of-way shall be installed on ornamental lighting equipment or electrolier standards as required by the public works director.

SEC. 28.8.60. - Signs and posts.

Street signs and posts shall be installed as required by the public works director.

SEC. 28.8.65. - Division of land into large lots.

a. **Dimensions.** Except where a different length is required or permitted by the provisions of the zoning ordinance, blocks shall have a length of not more than nine hundred (900) feet between street centerlines unless the designing of blocks adjacent to the proposed division of land, or other special conditions, justify departure from this requirement.

b. **Division of land into large lots.** Wherever land is divided into lots which average one (1) acre or more, blocks shall be designed as to provide for the opening of streets at intervals sufficient to permit the subsequent division of any such lot into lots of smaller size.

SEC. 28.8.70. - Pedestrian ways and bikeways.

All divisions of land shall be designed in such a way as to include public rights-of-way for pedestrian and for bicycle movement, which rights-of-way may be required to be separate from streets. The location and improvement of these rights-of-way shall be designed in such a way as to maximize: (1) convenience of movement throughout the subdivision; (2) access to community facilities; and (3) safety of persons using said pedestrian ways and bikeways.

DIVISION 2.
UTILITIES.

SEC. 28.9. - Utilities.

Unless otherwise proposed by the subdivider and approved by the subdivision committee or the city council, utilities within a division of land shall be subject to the following provisions.

SEC. 28.9.05. - Easements.

Wherever necessary for the installation, operation and maintenance of utilities and utility accessories, easements shall be provided along any front, side or rear lot or across lots as may be required by the public works director.

SEC. 28.9.10. - Installation.

The following provisions shall govern with respect to the installation of the various utilities within a division of land:

a. **Sanitary sewers.** Sanitary sewer facilities shall be installed to serve each lot and to alignments, grades and sizes approved by the public works director. In general, sewer mains shall be located on street centerlines. Required capacity-based charges pursuant to Chapter 35 shall be paid prior to the approval of the final or parcel map or issuance of any building permits. The amount of this charge shall be set by resolution or ordinance of the city council.

b. **Stormwater drainage.** Stormwater drainage facilities and appurtenances shall be installed within the division of land as required by the public works director. In general, stormwater mains shall be located approximately twelve (12) feet south and east of street centerlines. The amount of the required storm drainage contribution for the subdivider's share of the cost of necessary storm sewers and drainage ditches outside of the division of land shall be set by resolution or ordinance of the city council and shall be payable prior to approval of the final or parcel map. The contribution shall be computed on the gross area of the division of land. In the event the division of land will abut one (1) or more public streets, the area shall include the area of the abutting streets to the centerline of said streets. The contribution shall be used exclusively for the construction of storm drainage facilities to serve the drainage needs of the City of Mountain View.

c. **Water facilities and fire hydrants.** Water facilities and fire hydrants shall be installed as required by the public works director. In general, water mains shall be located approximately six (6) feet north and west of street centerlines. Water services and water meters shall be installed to serve each lot. Required capacity-based charges pursuant to

Chapter 35 shall be paid prior to the approval of the final or parcel map or issuance of any building permits.

SEC. 28.9.15. - Undergrounding of electric, communication or similar or associated utility services.

Electric, communication or similar or associated utility distribution facilities installed in and for the purpose of supplying service to each lot within the division of land, and any existing overhead utility facilities located within the division of land or on those portions of streets which abut the division of land, shall be placed underground in accordance with the utilities' rules and regulations on file with the California Public Utilities Commission. The following facilities are excepted from the provisions of this section:

a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the public works director.

b. Poles or electroliers used exclusively for street lighting.

c. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts.

d. Antennas, associated equipment and supporting structures used by a utility for furnishing communication services.

e. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts, if the subdivision committee or city council finds that topographical, soil or other conditions or circumstances make the underground conversion of said facilities unreasonable or impracticable.

f. Temporary poles, temporary overhead wires and associated temporary overhead structures used or to be used during the course of construction in conjunction with construction projects.

The subdivision committee or the city council may waive the requirement that electric, communication or similar or associated utility distribution facilities installed in and for the purpose of supplying service to each lot within the division of land, and any existing overhead utility facilities located within the division of land or on those portions of streets which abut the division of land, be converted to underground if it finds that topographical, soil or other conditions or circumstances make the underground conversion of said facilities, as required by this Section, unreasonable or impracticable.

DIVISION 3.
SOILS TESTS.

SEC. 28.10. - Preliminary soil report.

For every subdivision a preliminary soil report shall be prepared by a civil engineer who is registered by the state and who specializes in soils engineering and shall be based upon adequate test borings or excavations. The preliminary report shall be presented to the chief building official of the city, unless the chief building official advises the subdivider in writing that the subdivider is sufficiently familiar with the characteristics and soil quality of the soil within the proposed division of land to dispense with this requirement.

SEC. 28.10.05. - Formal report.

If the preliminary report indicates the presence of critically expansive soils or other soil irregularities which, if uncorrected, could conceivably cause structural damage to buildings or other structures proposed to be erected within the division of land, a soil investigation of every lot within the division of land shall be undertaken by a civil engineer who is registered by the state and who specializes in soil engineering, and a formal report of the said investigation shall be filed in the office of the chief building official. Additionally, a geologist's report is required if the area proposed for subdivision is subject to the State Seismic Hazards Mapping Act and may be required in such cases where, in the opinion of the chief building official, information contained in the preliminary or formal report or other materials indicates the need for such a report in terms of geological hazards of the area proposed for subdivision.

SEC. 28.10.10. - Issuance of building permits.

If a formal report and/or geologist's report is required, the chief building official shall issue no building permits with respect to buildings and other structures proposed to be built within the division of land unless they determine that: (a) the investigation report was of sufficient depth and scope; and (b) the corrective measures recommended therein are sufficient to obviate the possibility of structural damage. Any building permits thus issued shall be conditioned upon the incorporation of approved corrective measures in the building and the soil of the lot to which it relates.

SEC. 28.10.15. - Notation on final map.

When a soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

SEC. 28.10.20. - Report on file.

When a soil and/or geological report has been prepared specifically for the subdivision, each report shall be kept on file for public inspection by the chief building official.

ARTICLE VI.
CONDOMINIUMS, COMMUNITY APARTMENT PROJECTS AND
COMMON GREEN SUBDIVISIONS.

SEC. 28.11. - Applicability.

In addition to all other requirements of the Subdivision Map Act, the provisions of Chapter 28 and this article shall apply to all condominiums, stock cooperatives, community apartment projects, common green subdivisions, tenancies-in-common and condominium conversions in the city. The provisions of this Article are enacted pursuant to the provisions of Section 200 of the charter of the City of Mountain View and of the Subdivision Map Act.

SEC. 28.11.05. - Map filing and form; project plan required.

The provisions of Articles III (Preliminary Parcel Maps and Tentative Maps) and IV (Parcel Maps and Final Maps) of this Chapter shall apply to all maps submitted in connection with any condominium, stock cooperative, community apartment project, common green subdivision, tenancy-in-common and condominium conversion, which provisions shall also apply regardless of the number of units of land or air space proposed to be created. Additionally, the following information shall be submitted with a preliminary parcel or tentative map of any condominium:

a. A project plan containing a graphic and written description of the number of units into which the air space is to be divided, including its location, dimensions, elevations and numbering of each unit.

SEC. 28.11.10. - Buyer protection provisions.

For the protection of purchasers of individual units, all condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common as well as all conversions of existing residential real property into

condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common shall comply with the following requirements:

a. The covenants, conditions and restrictions (CC&Rs), or equivalent document, shall contain, or be amended to contain, on the first page thereof, in type as large as any type used in the CC&Rs, a notification in substantially the following terms:

“NOTICE:

THE TERMS OF THIS DOCUMENT ARE LEGALLY BINDING. READ IT CAREFULLY. A REAL ESTATE BROKER IS QUALIFIED TO ADVISE YOU ON REAL ESTATE MATTERS. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.”

b. Discrimination against families with children prohibited.

1. It shall be unlawful for a subdivider or owner of the property being developed or converted, or the owner of any unit which is created after the condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common has been constructed, or the conversion has been completed, to refuse to sell, lease or rent any dwelling unit, or to otherwise deny occupancy of said unit, because the family which is the prospective purchaser, lessee, renter or occupier of said unit has one (1) or more children.

2. It shall be unlawful for a subdivider or owner of the property being developed or converted, or the owner of any unit which is created after the condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common has been constructed, or the conversion has been completed, to discriminate, in the terms, conditions, privileges or availability of residential facilities or services, against persons who are prospective residents because they have one (1) or more children.

3. Excluded from the requirements of subsections 1 and 2 of this Sec. 28.11.10.b shall be studio units within such condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common, or condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common which have a publicly established and maintained policy of selling, leasing or renting dwelling units exclusively to elderly persons (i.e., those persons sixty-two (62) years of age or older). “Studio unit,” as used in this subsection, shall mean a dwelling unit having not more than one (1) habitable room in addition to the kitchen and bathroom.

4. The conditions, covenants and restrictions (CC&Rs), or equivalent document, for any new or converted condominium, stock cooperative, community

apartment project, common green subdivision or tenancy-in-common shall contain, or be amended to contain, the provisions set forth in Subsections b.1 and b.2 of this Section. The CC&Rs shall also provide that the city be given the right to enforce these two (2) restrictions.

c. It shall be unlawful for a subdivider or owner of any newly converted condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common to discriminate, in the sale, or in the terms and conditions of sale, of any dwelling unit located within such newly converted condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common against any person who is or was a lessee or tenant of any such dwelling unit because such person opposed, in any manner, the conversion of such former apartment building or residential complex into a condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common.

d. Any aggrieved person may bring an action for legal and/or equitable relief in a court of competent jurisdiction to enforce the rights given such person by any provision of this Article.

e. A document entitled "INFORMATION STATEMENT FOR PROSPECTIVE PURCHASERS OF A CONDOMINIUM, STOCK COOPERATIVE, COMMUNITY APARTMENT, COMMON GREEN SUBDIVISION OR TENANCY-IN-COMMON UNIT," signed by the subdivider or owner, shall be filed with the public works director, and a copy thereof shall be furnished by the subdivider or owner to each purchaser prior to the time they incur any obligation to purchase a dwelling unit. Such document shall be in a form approved by the public works director and shall contain the following information, of which the subdivider or owner is solely responsible for its accuracy:

1. The name, address and capacity of each person or firm involved in the construction, conversion, rehabilitation, sale or financing of the project.

2. A legal description of the project and a map showing the location of the individual units, the common areas and other facilities.

3. A listing of the services and facilities to be furnished to individual owners and a statement of all fees and other conditions applicable to the use of such services and facilities.

4. A statement of the estimated annual operating and maintenance costs for all common facilities and services for the next three (3) years as prepared or reviewed by a professional management firm familiar with operating and maintenance costs of similar property in the area.

5. A statement granting to each purchaser of a unit the right to cancel their purchase of such unit, without cost or liability, provided they give written notice of cancellation within fifteen (15) days after they sign a purchase agreement.

6. A statement of any other information that the public works director reasonably determines should be furnished to a prospective purchaser to enable the prospective purchaser to make an informed decision regarding the purchase of a unit in that project.

f. A copy of the duly recorded CC&Rs, which CC&Rs contain the provisions required by this article, shall be furnished by the subdivider or owner to each prospective purchaser prior to the time such person incurs the obligation to purchase a dwelling unit.

g. No contract for the management, operation or maintenance of common areas may extend more than thirty (30) days beyond the time at which majority control of the homeowners association passes to individual unit owners, unless a longer period of time is approved by the homeowners' association after majority control has passed to individual unit owners.

SEC. 28.11.15. - Design standards for new condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common.

The provisions of Article V (Design Standards) of this Chapter shall apply to all maps submitted in connection with any condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common, which provisions shall also apply regardless of the number of units of land or air space proposed to be created. The terms "map" or "conversion map," as used in Articles VI, VII and VIII, shall mean and include a tentative map, final map, preliminary parcel map and parcel map, as such terms are defined in Article I of this Chapter. Additionally, the following design standards shall likewise apply to:

a. New condominiums, stock cooperatives, community apartment projects and tenancies-in-common.

1. The design, improvement and construction of new condominiums, stock cooperatives, community apartment projects or tenancies-in-common shall conform to and be in full accordance with all requirements of all building, fire and housing codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of filing of the tentative map or preliminary parcel map.

2. The design and improvement of such new condominiums, stock cooperatives, community apartment projects and tenancies-in-common may also be required to incorporate special design features and amenities (i.e., useable open space, children’s play areas and similar physical improvements) as conditions of approval of said map.

3. All private streets, driveways and parking areas for said condominiums, stock cooperatives, community apartment projects and tenancies-in-common shall be improved and constructed with a structural section in accordance with the standards of the city and shall be designed to ensure that access for municipal services will not be denied any dwelling unit therein by reason of deteriorated, impassable private streets, driveways and parking areas.

b. New common green subdivisions.

1. The design, improvement and construction of new common green subdivisions shall conform to and be in full accordance with all requirements of all building, fire and housing codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of the filing of the tentative map or preliminary parcel map.

2. The design and improvement of such new common green subdivisions may also be required to incorporate special design features and amenities (i.e., useable open space, children’s play areas and similar physical improvements) as conditions of approval of said map.

3. All private streets, driveways and parking areas for said common green subdivision shall be improved and constructed with a structural section in accordance with the standards of the city and shall be designed to ensure that access for municipal services will not be denied any dwelling unit therein by reason of deteriorated or impassable private streets, driveways and parking areas.

4. Sewage collection and water distribution lines on private property in common ownership shall be covered by one of the following requirements:

(a) All lines to be owned and maintained by the homeowners association, or similar organization, shall be constructed to city standard specifications for public works. Water metering and billing shall be provided at each individual townhouse lot, as well as for the entire development, using a master meter. The difference between the sum of individual meters and the reading of the master meter will be billed to the homeowners association or similar organization. A sewer lateral shall be provided at each individual townhouse.

(b) All lines to be owned and maintained by the city shall be placed in asphalt concrete driveways acceptable to the public works director (with the necessary public utility easements) or shall be placed in a covered concrete-lined trench acceptable to the public works director (with the necessary public utility easements) running through the project so as to constitute an accessible pipe chase for maintenance of the lines. A water meter and sewer lateral shall be provided at each individual townhouse.

SEC. 28.11.20. - Condominium development initially for rental purposes.

Notwithstanding any other provisions of this Chapter, a subdivider proposing to rent units within a new or converted condominium development for a certain period of time after receiving a certificate of occupancy for the units in the development shall enter into an agreement with the city prior to approval of a tentative map or preliminary parcel map. The agreement shall provide the proposed length of the rental period and that one (1) year before the expiration of the rental period when the units within the development may be sold to individual purchasers, the subdivider shall prepare reports, serve notices and shall agree to follow all requirements of state law and the city code relative to the protection and relocation of tenants and prospective purchasers.

ARTICLE VII.
RESIDENTIAL CONDOMINIUM CONVERSIONS.

SEC. 28.12. - Purpose.

The conversion of residential rental units to ownership housing impacts the supply and availability of rental housing and may cause displacement of residents, who may be required to move from the community due to lack of replacement housing. A reduction in the supply of rental housing creates pressure for higher rents in the remaining rental housing supply. Conversions may sometimes, however, provide home ownership opportunities that are more affordable when compared to new home construction.

It is the purpose of this article to seek to assure a reasonable balance of rental and ownership housing and a variety of individual choices of type, price and location of housing and to maintain the supply of rental housing for low- and moderate-income persons and families and to maintain the flexibility and redevelopment potential of the city's residential areas in substantial compliance with the city's general plan. This Article is intended to ensure compliance with and implement the Conversion Limitation Act, adopted by the voters on November 6, 1979.

SEC. 28.12.05. - Applicability.

In addition to all other requirements of the Subdivision Map Act, the provisions of Chapter 28 of the Mountain View City Code and this Article shall apply to the conversion

of any existing structure or structures to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common in the City of Mountain View. The provisions of this Article are enacted pursuant to the provisions of Section 200 of the charter of the City of Mountain View and of the Subdivision Map Act.

SEC. 28.12.10. - Permit.

In addition to filing a tentative map or preliminary parcel map required for condominium conversion projects pursuant to Sec. 28.11.05 of Article VI, a development review permit in accordance with Sec. A36.52 or a planned community permit in accordance with Sec. A36.68 of Chapter 36 of the Mountain View City Code shall be required for condominium conversions. Permit applications shall be processed pursuant to Sec. 28.12.20.

a. No permit application for residential condominium conversion shall be accepted, and no permit will be issued unless a preliminary determination has been made by the community development director that the application meets the requirements of Article IX of Chapter 28, the Conversion Limitation Act. If the community development director so determines, the application may be processed; however, the determination of eligibility shall not be final until approved by the city council. Conversions, demolitions and apartments/rentals with maps shall be counted in determining compliance with the Conversion Limitation Act.

b. No tentative map or preliminary parcel map for condominium conversions shall be filed and no tentative or preliminary map shall be approved without the approval of a permit application under this Section.

c. **Exclusions.** No conversion of units may be applied for or approved unless the units are all of the same housing type (e.g., not mixed types of units), were constructed as an integrated project, and built as either apartments or townhouses. Complexes which have a mixed unit type or are of soft-story construction are not eligible for conversion to condominiums. Duplex units to six-plex units constructed in a single structure are not eligible for conversion unless located in a historic resource.

SEC. 28.12.15. - Tenant noticing requirements.

a. **Notice to existing tenants.** The subdivider or owner of an apartment building or residential complex proposed to be converted to a condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common shall give to each tenant of the residential real property proposed for conversion the following

notices and rights now or hereafter required by the Subdivision Map Act and as set forth in Section 66427.1 of said Act:

1. Written notice of intention to convert, provided at least sixty (60) days prior to the filing of a tentative map or preliminary parcel map. The notice shall be in a form outlined in Section 66452.18(b) of the Subdivision Map Act.

2. Written notice ten (10) days before submittal that an application for a public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report and that the report will be available on request.

3. Written notice that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within five (5) days after the date the subdivider receives the public report.

4. Written notice within ten (10) days after approval of a parcel map or final map for the proposed conversion.

5. Written notice of intent to convert provided one hundred eighty (180) days prior to termination of tenancy due to the conversion but not before the city has approved a preliminary parcel map or a tentative map for the conversion. The notice given shall not alter or abridge the rights or obligations of the parties in the performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the California Civil Code. The notice shall be in a form outlined in Section 66452.19(b) of the Subdivision Map Act.

6. Written notice of an exclusive right to contract for the purchase of their respective dwelling unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant. The notice shall be given within five (5) days after receipt of the subdivision public report. This exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions Code and shall run for a period of not less than ninety (90) days, unless the tenant gives prior written notice of their intention not to exercise the right. The notice shall be in a form outlined in Section 66452.20 (b) of the Subdivision Map Act.

7. All other applicable notices and rights now or hereafter required by this Chapter, or Chapter 2 or 3 of the Subdivision Map Act.

b. **Notice to prospective tenants.** Commencing at a date not less than sixty (60) days prior to the filing of a tentative map or preliminary parcel map, the subdivider or

their agent shall give notice of the filing to each person applying after that date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider in accordance with Section 66452.17 of the Subdivision Map Act. The notice shall be in a form outlined in Section 66452.17 (b) of the Subdivision Map Act.

c. **Keeping of records.** The subdivider or owner shall be required to keep a copy of all notices required by Sec. 28.12.15 for a period of two (2) years after such notices were personally delivered or mailed, such records to include:

1. A copy of each notice showing the date on which it was delivered or mailed; and

2. Proof of the giving of the notice, consisting of:

(a) If delivered, the signature of the person to whom it was delivered acknowledging such delivery; or

(b) If mailed, proof of mailing, and, in the case of the notice of intention to convert pursuant to Sec. 28.12.15 (a)(1), the return receipt if a receipt was returned by the recipient of such notice.

SEC. 28.12.20. - Process.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with this Chapter and the Subdivision Map Act, permit applications for condominium conversions shall be reviewed and processed in accordance with this Article and with Sec. A36.52 (Development Review), Sec. A36.68 (Planned Community Permits) and Sec. A36.50.020 (Review Authority) of Chapter 36 of the Mountain View City Code.

a. **Development review required.** The zoning administrator shall hold a public hearing on the development review application in accordance with Sec. A36.80 (Applications, Hearings and Appeal(s)) of Chapter 36 of the Mountain View City Code and will provide a written recommendation to the city council for final action on the development review application. The zoning administrator may route the proposal to the development review committee if exterior improvements are proposed or deemed necessary.

b. **Notice of city council meeting to consider tentative map.** Following the date the city council fixes a meeting date for consideration of a tentative map, or the date the subdivision committee fixes a meeting date for consideration of a preliminary parcel map, which proposes the conversion of residential real property to a condominium, stock

cooperative, community apartment project, common green subdivision or tenancy-in-common, but not less than ten (10) days prior to the said date for consideration, the community development director shall give a written notice to each tenant of the subject property informing said tenant of the date, time and place of the city council's or subdivision committee's consideration of the tentative map and the tenant's right to appear and be heard pursuant to Section 66451.3 of the Subdivision Map Act.

1. **Council meeting staff report to tenants.** Additionally, a copy of any staff report or recommendation on a tentative map or a preliminary parcel map relating to the proposed residential condominium conversion shall be served on the subdivider and on each tenant of the subject property at least three (3) days prior to any hearing or action on said map by the city council or the subdivision committee, respectively, pursuant to Section 66452.3 of the Subdivision Map Act.

c. **Buyer and tenant protection requirements for conversion.** In addition to the buyer protection provisions in Article VI, Sec. **28.11.05.1**, conversion of residential real property to condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common shall comply with the following requirements as additional protections to purchasers of individual units:

1. **Condition of improvements report required.** A report entitled "CONDITION OF IMPROVEMENTS REPORT" shall be prepared and certified by a licensed engineer or architect subject to approval by the city's chief building official. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with Sec. **28.12.30(g)**. The report, which shall be approved as to content by the chief building official prior to being distributed, shall set forth the consultant's best available information on the age and condition of the building or buildings proposed to be converted, including the estimated remaining life of the roof, foundation and mechanical, electrical, plumbing and structural elements of the building or buildings. The report shall further indicate those provisions of previously adopted city building and fire codes involving health and life safety items which have been changed since the date the building or buildings being converted were constructed, plus identify present building or fire code requirements which are not met. If a prospective purchaser is not a tenant of the apartment building or residential complex at the time the conversion map is filed with the city, the owner shall furnish a copy of said report to each such prospective purchaser prior to the time such person incurs the obligation to purchase a unit. If a prospective purchaser is a tenant of the apartment building or residential complex at the time the conversion map is filed with the city, the owner shall furnish the report to such person at that point in time when such person is given the ninety (90) day exclusive right to purchase their unit.

2. **Structural pest report required.** A report entitled “STRUCTURAL PEST REPORT” shall be prepared and certified by a person, entity or corporation selected by the city’s chief building official and licensed by the State of California as a structural pest control operator subject to approval by the city’s chief building official. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with Sec. 28.12.30(g). This report shall also be furnished to prospective purchasers of each converted unit at those points in time mentioned in Sec. 28.12.20.c.1, depending on whether such prospective purchaser is or is not a tenant of the apartment building or residential complex at the time the conversion map is filed with the city.

3. **Building inspection report required.** A detailed building inspection and report shall be made by or at the direction of the chief building official, at the subdivider’s or owner’s expense, of all buildings or structures proposed for conversion, and the report shall determine and identify any housing code violations, other code violations or other deficiencies involving a threat to life or property which must be corrected as a condition of approval of the tentative map or preliminary parcel map.

4. **Building and appliance warranty required.** Each purchaser shall be granted by the subdivider or owner a one (1) year warranty on all appliances installed in their unit and to the homeowners association, and all purchasers of individual units shall be granted a one (1) year warranty on all structures in the project and on all electrical, heating, air conditioning, plumbing, ventilation equipment, roofing and elevators.

d. **Temporary housing required for tenant displaced due to renovation.** As to any tenant or renter of an apartment unit or dwelling unit within a residential complex at the time a tentative map or preliminary parcel map for a conversion of that building or structure is filed with the city, who enters into a written agreement with the owner to purchase the dwelling unit once it has been converted, and who is thereafter required to temporarily vacate or is temporarily displaced from said apartment or residential unit because the subdivider or owner is renovating or effecting certain structural modification to comply with the city’s requirements, the owner shall be responsible for:

1. Finding suitable, temporary replacement housing for such tenant and, if the monthly rent is higher for the replacement housing than for the apartment or dwelling unit being vacated, paying the difference in such monthly rent; and

2. Paying such tenant’s actual moving expenses in temporarily moving from the said apartment or dwelling unit and moving back into the unit when the renovation or structural modifications have been completed and approved by the city.

e. **Additional tenant relocation assistance required.** The city’s most current tenant relocation assistance policy shall apply to all tenants who have not entered into a

written agreement with the owner to purchase the dwelling unit once it has been converted.

SEC. 28.12.25. - Required city council findings for approval; grounds for denial.

a. Required city council findings for approval. The city council shall not approve any project for the conversion of any existing structure or structures to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common unless it makes the following findings and determinations:

1. That the proposed conversion is consistent with the longer-range goals of the general plan, the zoning district and any precise plan, and that the conversion does not conflict with the amortization or sunseting of the allowed use of the building sought to be converted.

2. That the proposed conversion would not adversely and seriously disrupt the effective operation or functioning of nearby schools or other community facilities.

3. That the apartment building or residential complex proposed for conversion does not represent a unique and needed housing resource in the city or in the neighborhood taking into consideration such factors as the need for a balanced rental-owner housing supply, current rental rates, apparent appeal to families with children and special tenant displacement problems which would result from the conversion.

4. That any proposed condominium conversion has complied with the city's most current tenant relocation policy.

5. That any proposed condominium conversion has met all noticing requirements as outlined in Articles VI and VII.

b. Mandatory grounds for denial. In addition to those grounds for denying a final map or parcel map which are set forth in Sections 66473.5 and 66474 of the Subdivision Map Act and in Article IV (Parcel Maps and Final Maps) of this Chapter, the city council shall not approve a final map, or the city engineer approve a parcel map, for a subdivision to be created from the conversion of residential real property into a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common unless it is found as follows:

1. Each tenant of the residential real property has received or will have received each of the notices and rights pursuant to Sec. 28.12.15 (a) of this Article and as now or hereafter required by Chapter 2 and Chapter 3 of the Subdivision Map Act.

2. Each person applying for the rental of a unit in the residential real property has received or will have received the notice and rights pursuant to Sec. 28.12.15 (b) of this Article and as now or hereafter required by Chapter 2 and Chapter 3 of the Subdivision Map Act.

c. **Permissive grounds for denial.** In addition to the grounds for denial set forth in this Chapter and the State Subdivision Map Act, an application for approval of a tentative map or preliminary parcel map for the conversion of residential rental units to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common may be denied on the ground that either:

1. The proposed project, because of its physical characteristics, lot size, configuration, site design or building condition, is not suitable for conversion to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common.

2. The proposed project, because of its physical characteristics, lot size, configuration, site design or building condition, is not suitable for families with children.

3. The proposed project contains fewer than sixteen (16) units and is not suitable for conversion due to its size, amenities, ingress, egress or ability to maintain itself.

SEC. 28.12.30. - Design and safety standards for conversions.

The design, improvement and construction to convert an existing apartment building or residential complex to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common shall comply with design standards in Sec. 28.11.15, except as modified in this Section, and with the following design and safety standards:

a. **Codes, ordinances and regulations.** All building and fire codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of construction of such structure shall, in addition, conform to and be in accordance with the standards set forth in this Section, or most recent standards as adopted by the city council, in effect at the time of filing of the tentative map or preliminary parcel map for such conversion.

b. **Zoning provisions.** Current residential zoning ordinance standards for density, floor area ratio, building setback, open space, parking and circulation.

c. **Minor exceptions considered.** Minor exceptions to current residential zoning ordinance standards shall be considered for up to ten (10) percent for building setback and fifteen (15) percent open space requirements only.

d. **Special features may be required.** The design and improvement of any such conversion may also be required to incorporate special design features and amenities (i.e., useable open space, children's play areas and similar physical improvements) as conditions of approval of said map.

e. **Building, seismic, fire and housing codes compliance; facility and site improvement requirements.**

1. Seismic safety pursuant to any of the following standards: 2007 California Building Code, 2006 International Existing Building Code, Seismic Rehabilitation of Existing Buildings (ASCE 41-06) or an equivalent procedure approved by the chief building official and updated and amended versions of said codes.

2. California Building Standards; Title 24 – Energy Standards.

3. Fire-Life Safety and Habitability Standards pursuant to the 2007 California Building Code; 2007 California Plumbing Code; 2007 California Mechanical Code; and 2005 National Electrical Code and updated and amended versions of said codes.

4. 2007 California Fire Code and updated and amended versions of said code.

5. Article IX of Chapter 8 of the Mountain View City Code (Drainage and Flood Control), Sec. 8.160, *et seq.*

6. Separate utility services shall be provided to each building and to each unit unless the public works director determines that such separate utility services are both not desirable and not feasible. If separate utility services are not provided, the homeowners association, or similar organization, shall be primarily liable for all city utility billings, and the owners of individual residential buildings and units shall jointly and severally be secondarily liable for all city utility billings, and security for payment of utility billings shall be provided as set forth in Sec. 35.38.c.

f. Written report on improvements and compliance required. An independent consultant approved by the chief building official shall prepare a written report, with appropriate itemized cost estimates, on all improvements necessary to make the development comply with Sec. 28.12.30.e(1), (2), (3), (4), (5) and (6). The subdivider or owner is solely responsible for all costs associated with preparing this report and shall

pay a fee to the city for administering, reviewing and evaluating the report in accordance with Item (g) of this Section. Minor nonsafety or structural deviations from strict compliance with the design and safety standards may be approved at the discretion of the chief building official or the public works director as appropriate.

g. **Fee for city services.** Fees for the review and evaluation services and other related expenses incurred and performed by city staff shall be an amount (based on an hourly rate) established by city council resolution.

ARTICLE VIII.
COMMERCIAL AND INDUSTRIAL CONDOMINIUM CONVERSIONS.

SEC. 28.13. - Purpose.

The conversion of commercial and industrial buildings into smaller ownership units likewise creates impacts to the city's available business space, including reducing the flexibility and utility of that space by creating multiple ownerships on one (1) parcel that was originally designed to function and be available for a wide variety and size of uses. Multiple ownerships can create significant conflicts among users, leading to the deterioration of the property and secondary safety and aesthetic issues to neighboring properties. The maintenance of flexibility and utility in the commercial and industrial base is critical to the economic viability of the City of Mountain View as well as the economic viability of our region.

It is the purpose of this Article to seek to assure a reasonable balance of rental and ownership industrial and commercial units and a variety of individual choices of tenure, type, price and location of available business space and to maintain the supply of available business space and to maintain the flexibility and redevelopment potential of the city's key industrial and commercial areas in substantial compliance with the city's general plan.

SEC. 28.13.05. -Applicability.

In addition to all other requirements of the Subdivision Map Act, the provisions of this Chapter shall apply to the conversion of commercial, industrial or any nonresidential space in an existing building or buildings to condominium in the City of Mountain View. The provisions of this Article are enacted pursuant to the provisions of Sec. 200 of the charter of the City of Mountain View and of the Subdivision Map Act.

SEC. 28.13.10. - Permit.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with Chapter 28 of the Mountain View City Code and the Subdivision Map

Act, a development review permit in accordance with Sec. A36.52 or a planned community permit in accordance with Sec. A36.68 of this code shall be required for the conversion of commercial, industrial or any nonresidential space in an existing building or buildings to condominiums. Permit applications shall be processed pursuant to Sec. [28.13.20](#).

a. No permit application for the conversion of commercial and industrial building or buildings to condominium shall be processed unless a preliminary determination has been made by the community development director that the use, as zoned, is consistent with current zoning and is consistent with any interim moratorium for a zoning or use or structure amortization. This preliminary determination by the community development director may allow the application to be processed; however, the final action under this Section shall be made through the public hearing process and ultimately by the city council.

b. No tentative map or preliminary parcel map for the conversion of commercial and industrial building or buildings to condominium shall be filed without a permit application under this Section.

SEC. 28.13.15. - Tenant noticing requirement.

The subdivider or owner of an existing commercial or industrial building or buildings proposed for conversion to a condominium shall give to each tenant of the property a written notice of intention to convert provided at least sixty (60) days prior to the filing of a tentative map or preliminary parcel map in accordance with Sec. [28.12.15](#) (a)(1). The owner shall also give written notice to each prospective tenant in accordance with Sec. [28.12.15](#) (b) and shall keep records of all noticing in accordance with Sec. [28.12.15](#) (c).

SEC. 28.13.20. - Process.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with this Chapter and the Subdivision Map Act, permit applications for the conversion of existing commercial and industrial building or buildings to condominium shall be reviewed and processed in accordance with Sec. A36.52 (Development Review), Sec. A36.68 (Planned Community Permits) and Sec. A36.50.020 (Review Authority) of this code and with current commercial and industrial zoning standards.

a. **Development review required.** The zoning administrator shall hold a public hearing on the development review application in accordance with Sec. A36.80 (Applications, Hearings and Appeal(s)) of Chapter 36 of the Mountain View City Code and will provide a written recommendation to the city council for final action on the development review application. The zoning administrator may route the proposal to the

development review committee if exterior improvements are proposed or deemed necessary.

b. In addition to complying with zoning ordinance provisions, permit processing for commercial and industrial condominium conversions shall also comply with the following, except that any reference to apartment building or projects and residential complex shall be replaced with the term “commercial or industrial building(s)” and the terms stock cooperative, community apartment project, common green subdivision or tenancy-in-common shall not apply:

1. Buyer protection provisions in Article VI, Sec. 28.11.05.1, Subsections (a) and (f) pertaining to covenants, conditions and restrictions (CC&Rs); Subsection (c) pertaining to nondiscrimination in the terms and conditions of sale of any units; and Subsection (e) pertaining to furnishing required information by the subdivider or owner to each purchaser of any units.

2. Notice of city council or subdivision committee meeting to consider tentative map or preliminary parcel map in Article VII, Sec. 28.12.20(b).

3. Buyer and tenant protection requirements for conversion in Article VII, Sec. 28.12.20(c)(1) through (c)(4).

SEC. 28.13.25. - Required city council findings for approval; grounds for denial.

a. Required city council findings for approval. The city council shall not approve any project for the conversion of any existing commercial or industrial building or buildings to a condominium unless it makes the following findings and determinations:

1. That the proposed conversion of commercial and industrial buildings into smaller ownership units is consistent with the longer-range goals of the general plan, the zoning district and any precise plan and that the conversion does not conflict with the amortization or sunseting of the allowed use of the building sought to be converted.

2. That the proposed conversion would not adversely and irreversibly reduce the flexibility and utility of the existing commercial or industrial space by creating multiple ownerships on one (1) parcel that was originally designed to function under a single ownership and be available for a wide variety and size of uses.

3. That the flexibility and redevelopment potential of the city’s key industrial and commercial areas in substantial compliance with the city’s general plan would not be adversely impacted by the proposed conversion.

4. That a reasonable balance of rental and ownership industrial and commercial units and a variety of individual choices of tenure, type, price and location of available business space would be maintained with the proposed conversion.

5. That the supply of available business space and the flexibility and utility in the commercial and industrial base critical to the economic viability of the City of Mountain View as well as the economic viability of our region would not be adversely impacted by the proposed conversion.

6. That the conversion of a complex into individual ownerships will present no risk that the complex will result in conflicts between uses, parking, storage, etc.

7. That any proposed condominium conversion has met all noticing requirements as outlined in Articles VI, VII and VIII.

b. **Mandatory grounds for denial.** In addition to those grounds for denying a final map or parcel map which are set forth in Sections 66473.5 and 66474 of the Subdivision Map Act, in Article IV (Parcel Maps and Final Maps) of this Chapter and in this Article, the city council shall not approve a final map, or the city engineer approve a parcel map, for a subdivision to be created from the conversion of commercial or industrial real property into a condominium unless it is found that all of the building(s) on the property comply with applicable zoning and use regulations and that each of the tenants of the nonresidential real property proposed for conversion has received or will have received each of the notices in accordance with Sec. 28.13.15.

SEC. 28.13.30. - Design and safety standards for conversions.

The design, improvement and construction to convert an existing commercial or industrial building or buildings to a condominium shall comply with design standards in Sec. 28.11.15, except as modified in this Section, and with the following design and safety standards:

a. **Compliance with codes, ordinances and regulations.** All building and fire codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of construction of such structure, and shall, in addition, conform to and be in accordance with the standards in this Section, or most recent standards as adopted by the city council, in effect at the time of filing of the tentative map or preliminary parcel map for such conversion.

b. **Compliance with zoning provisions.** Current commercial and industrial zoning ordinance standards for allowable use, floor area ratio, building setback, open space, parking and circulation.

c. Building, seismic and fire codes compliance; facility and site improvement requirements.

1. Seismic safety pursuant to any of the following standards: 2007 California Building Code, 2006 International Existing Building Code, Seismic Rehabilitation of Existing Buildings (ASCE 41-06) or an equivalent procedure approved by the chief building official and updated and amended versions of said codes.

2. California Building Standards; Title 24 – Energy Standards.

3. Fire-Life Safety and Habitability Standards pursuant to the 2007 California Building Code; 2007 California Plumbing Code; 2007 California Mechanical Code; and 2005 National Electrical Code and updated and amended versions of said codes.

4. 2007 California Fire Code and updated and amended versions of said code.

5. Article IX of Chapter 8 of the Mountain View City Code (Drainage and Flood Control), Sec. 8.160, et seq.

6. Separate utility services shall be provided to each building and to each unit unless the public works director determines that such separate utility services are not feasible. If separate utility services are not provided, the homeowners association or similar organization shall be primarily liable for all city utility billings, and the owners of individual buildings and units shall jointly and severally be secondarily liable for all city utility billings, and security for payment of utility billings shall be provided as set forth in Sec. 35.38.c.

d. **Written report on improvements and compliance required.** An independent consultant approved by the chief building official shall prepare a written report, with appropriate itemized cost estimates, on all improvements necessary to make the development comply with 28.13.30.c(1), (2), (3), (4), (5) and (6) of this Article. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with Item e. of this Section.

Minor nonsafety or structural deviations from strict compliance with the design and safety standards may be approved at the discretion of the chief building official or the public works director as appropriate.

e. Fee for city review and evaluation services. Fees for the review and evaluation services and other related expenses incurred and performed by city staff shall be an amount (based on an hourly rate) established by city council resolution.

ARTICLE IX.
CONVERSION LIMITATION ACT.

SEC. 28.14. - Statement of purpose.

In order to provide for the housing needs of all economic segments of the community, this Article urgently limits the conversion of apartments into condominiums and other types of ownership that could reduce the supply of rental housing.

SEC. 28.14.05. - Definitions.

As used in this Article:

a. “Apartment” refers to a dwelling in a structure designed or used to house two (2) or more persons or families living independently of each other. Excluded are rental units in hotels, motels, inns, tourist homes, rooming and boarding houses, hospitals and like facilities.

b. “Apartment complex” refers to the entire parcel of real property or adjacent parcels under single ownership, including at least two (2) apartments and all other structures thereon, all or part of which is rented or leased for residential purposes. Condominiums, condominium projects, community apartment projects and common green subdivisions are not apartment complexes.

c. The “total number of apartments” shall include all apartments in apartment complexes regardless of whether they are currently occupied. It shall also include apartments that have been proposed or approved for conversion where the conversion has not yet occurred. The only apartments excluded from the total number shall be those not in an apartment complex and those constructed with government funds for disadvantaged persons.

d. “Conversion” refers to a change in the type of ownership to a condominium, condominium project, community apartment project, common green subdivision or to any other form which might reduce the likelihood that any affected apartment will be rented or leased to the general public for residential purposes.

1. A conversion does not “occur” until the change in ownership is coupled with the right to immediately possess every affected apartment. In no event shall a

conversion be deemed to have occurred until the expiration of one (1) year following notice to affected tenants of the proposed conversion.

e. A “deficit” in the total number of apartments refers to the number of apartments that must be newly opened for occupancy in order to bring the total number of apartments up to its initial number and, thereby, enable further new apartments to authorize conversions under Sec. 28.14.10 of this Article.

f. “Application” refers to those documents required by law to be filed with the city in order to initiate approval of a conversion.

g. “Tenant” refers to a tenant, subtenant, lessee, sublessee or any other person entitled to the use or occupancy of any apartment.

h. “Landlord” refers to an owner, lessor, sublessor or other person entitled to receive rent for the use or occupancy of any apartment or an agent or successor of any of the foregoing.

i. A tenant may “legally represent” an apartment only if they are an adult in lawful possession thereof and has obtained the prior written consent to the conversion of any other adult tenants in lawful possession of the same apartment.

SEC. 28.14.10. - Limitation on conversions.

Within thirty (30) days of the effective date of this Article, the City of Mountain View city council shall ascertain and formally declare the total number of apartments then existing in the City of Mountain View. That shall be the initial total number. Except as provided in Sec. 28.14.15 of this Article and notwithstanding any other provision of law, no application for conversion shall be filed nor shall any conversion be approved or allowed to occur unless it is publicly documented beforehand that the total number of apartments will not, at any time, be reduced by the proposed conversion to any number below the initial total number.

SEC. 28.14.15. - Majority petition exception.

Notwithstanding the limitation on conversions imposed by Sec. 28.14.10 of this Article, an application for a conversion may be filed and a conversion may be approved and allowed to occur if such application is accompanied by a petition signed by tenants who legally represent a majority (over fifty (50) percent) of all the apartments in the apartment complex, any part of which is proposed for conversion. The petition shall clearly state that each undersigned tenant irrevocably consents to the specified conversion and that each declares, under penalty of perjury, that their current intention is to purchase one (1) or more of the apartments to be converted. Each undersigned tenant

shall write the date of signing, their apartment number or other apartment designation, and the month and year they began lawfully possessing such apartment. To be valid, the entire petition must be filed with the City of Mountain View within sixty (60) days of the earliest date of signing. True copies of all filed petitions shall immediately be made available by the city for public inspection. Nothing in this Section shall be construed to require approval of any conversion. Once a conversion authorized by this Section is approved, however, it shall create a deficit in the total number of apartments. Such deficit shall equal the number of apartments to be converted.

SEC. 28.14.20. - Scope.

All conversions shall be subject to this Article except:

a. Those that have already occurred by the effective date; and

b. Those that had already received city council approval of the tentative map before the date the notice of intent to circulate the petition calling for this code was published. (Notice of intent to circulate the petition was published March 26, 1979.)

SEC. 28.14.25. - Tenant protections.

It shall be unlawful for any landlord to seek to evict or otherwise penalize any tenant if the landlord is motivated in any substantial part of the tenant's actual or prospective opposition to any conversion. Violation of this Section shall constitute a defense to any action to recover possession from the tenant and shall give rise to a cause of action by the tenant for actual damages, injunctive relief and punitive damages in the amount of five hundred dollars (\$500) or in such greater amounts as is allowed by law. Any waiver of these protections shall be void.

SEC. 28.14.30. - Partial invalidity.

If any provision of this Article or application thereof is held invalid, such invalidity shall not affect any other provision or application of this Article which can be given effect without the invalid provision or application, and, to this end, the provisions of this Article are declared to be severable.

ARTICLE X.
MOBILE HOME PARK CONVERSION OR CESSATION OF USE.

SEC. 28.15. - Findings and policy.

a. The City of Mountain View city council hereby finds and determines that mobile home parks provide an important independent living situation in the city, particularly for senior citizens.

b. Mobile home parks are an essential component of ownership-housing stock in Mountain View, where the cost of most housing exceeds the financial reach of low- and moderate-income persons.

c. Chapter 3 (Policy F) of the general plan calls for increasing the supply of housing for low- and moderate-income families, seniors and the disabled.

d. The City of Mountain View is committed to preserving and increasing the supply of housing for low- and moderate-income citizens, especially families, senior citizens and disabled persons, and that mobile home parks constitute a valuable housing resource to meet this need.

e. Mountain View has a variety of mobile home parks with wide diversity in economic values of the land, the mobile home units, the amenities, the zoning, the location and the acreage and number of units, among other factors, which warrant careful consideration and analysis of the distinct impact involved in the possible conversion of the different parks and appropriate mitigation of those diverse impacts.

f. Available comparable relocation sites for mobile homes within a twenty (20) mile radius of the City of Mountain View are very limited, and the cost of relocation of mobile home units is substantial in proportion to the value of the individual unit itself.

g. Adequate replacement housing for displaced mobile home residents at a comparable cost is not readily available within the community or the county.

SEC. 28.15.05. - Conversion impact report; notice to residents; hearing; bankruptcy exception; fees.

a. Prior to the conversion of any mobile home park to another use, as shown on Map 1 on file in the planning department, except pursuant to the Subdivision Map Act (Division 2, commencing with Section 66410 of Title 7 of the California Government Code) (see Sec. 28.15.15 or prior to closure of a mobile home park or cessation of the use of the land as a mobile home park, a conversion impact report shall be independently prepared by a consultant, pursuant to a contract with the city, but paid for by the

applicant. This conversion impact report shall analyze the impact of the conversion, closure, or cessation of use upon the displaced persons of the mobile home park to be converted or closed. In determining impact of the conversion, closure or cessation of use on displaced mobile home park residents, the report shall address the availability of adequate replacement housing in mobile home parks and relocation costs.

b. The person proposing the change in use shall provide a copy of the conversion impact report and written notification of the hearing date to the residents and to the registered owner of each mobile home in the mobile home park at least thirty (30) days prior to the hearing on the conversion impact report by the city council or its delegated advisory agency.

c. The person or entity filing the report, or park residents, may request, and shall have a right to, a hearing before the city council or its delegated advisory agency on the sufficiency of the report.

d. The city council or its delegated advisory agency shall review the report prior to any change, and shall require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure or cessation of use on the ability of displaced mobile home park residents to find or afford adequate replacement housing. The city council may consider in requiring mitigation of adverse impacts of a mobile home park conversion, but shall not be limited thereto, such steps as the reasonable costs of relocation or, if a suitable relocation site is not available, the purchase of the mobile home at the in-space fair market value of the mobile home.

e. At the same time as the notice of the change is provided to the residents (six (6) months prior to termination of tenancy pursuant to Paragraph (2) of Subdivision (f) of Section 798.56 of the Civil Code), the person or entity proposing the change shall ensure that a copy of the report has been provided to a resident and to the registered owner of each mobile home in the mobile home park.

f. If the closure or cessation of use of a mobile home park results from the adjudication of bankruptcy, the provisions of this Section shall not be applicable.

g. The city council may establish reasonable fees by resolution pursuant to Chapter 13, commencing with Section 54990 of Part I of Division 2 of Title 5 of the California Government Code to cover any costs incurred by the city in implementing this Section. Those fees shall be paid by the person or entity proposing the change in use.

SEC. 28.15.10. - Notice to residents and owners of mobile homes.

Upon receipt of an application for the conversion of a mobile home park to another use, the city shall, at least forty-five (45) days prior to a hearing or any other action on the

application, inform the applicant in writing of the provisions of Section 798.56 of the California Civil Code and all applicable city requirements which impose upon the applicant a duty to notify residents and mobile home owners of the mobile home park of the proposed change in use and shall specify therein the manner in which the applicant shall verify that residents and mobile home owners of the mobile home park have been notified of the proposed change in use. Neither a hearing on the application, nor any other action thereon, shall be taken by the city council before the applicant has satisfactorily verified that the residents and mobile home owners have been so notified, in the manner prescribed by law or ordinance.

SEC. 28.15.15. - Conversion impact report related to subdivision of mobile home park.

At the time of filing a tentative or a parcel map for a subdivision to be created from the conversion of a mobile home park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobile home park to be converted. In determining the impact of the conversion on displaced mobile home park residents, the report shall address the availability of adequate replacement space in mobile home parks within a radius of twenty (20) miles.

The subdivider shall make a copy of the report available to a resident and to the registered owner of each mobile home in the mobile home park at least thirty (30) days prior to the hearing on the map by the city council or its delegated advisory agency.

The city council or its delegated advisory agency which is authorized by city ordinance to approve, conditionally approve or disapprove the map may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park.

SEC. 28.15.20. - Compliance with the Subdivision Map Act.

In addition to the provisions of this Article, conversion of mobile home parks shall comply with the Subdivision Map Act, Sections 66427.4, 66427.5 and 66428.1.

ARTICLE XI.
MERGER OF SUBSTANDARD SIZE PARCELS.

SEC. 28.16. - Applicability.

Contiguous parcels or units of land that do not conform to the standards for minimum lot size under the zoning ordinance of the city may be merged in accordance with this Article or by other methods in this Chapter, such as with the recording of a parcel map or a lot line adjustment, and the Subdivision Map Act.

SEC. 28.16.05. - Conditions under which contiguous parcels may merge.

A parcel or unit of land may be merged with a contiguous parcel or unit of land pursuant to the procedures set forth if all of the following conditions are met:

- a. All of the parcels or units of land are held by the same owner.
- b. One (1) of the parcels or units of land does not conform to the standards for minimum lot size under the zoning ordinance of the city.
- c. One (1) of the parcels or units of land is either:
 1. Undeveloped where there is no structure for which a building permit was issued or for which a building permit was not required at the time of construction.
 2. Developed only with an accessory structure or structures.
 3. Developed with a single structure, other than an accessory structure, that is sited over the common lot line of the contiguous parcels or units of land to be merged.
- d. One (1) or more of the following conditions exist:
 1. One (1) of the parcels or units of land comprises less than five thousand (5,000) square feet in area at the time of determination of merger.
 2. One (1) of the parcels or units of land was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 3. Does not meet current standards for sewer disposal and domestic water supply.
 4. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 5. Its development would create health and safety hazards.
 6. Is inconsistent with the applicable general plan and any applicable precise plan other than minimum lot size or density standards.

Subsection (d) shall not apply if one (1) or more of the parcels or unit of land is enforceably restricted open space land on or before July 1, 1981, land devoted to an agricultural use on or before July 1, 1981 or other land, as further defined in Paragraphs (A) through (E), inclusive, of Section 66451.11 of the Subdivision Map Act.

SEC. 28.16.10. - Application; Fee.

a. A complete application for a request for merger shall be filed by the owner or owner's representative with the community development department on forms furnished by the community development department. The application shall include a legal description and plat of the affected parcels or units of land.

b. At the time of filing an application for a request for merger, the applicant shall pay a processing fee, the amount of which shall be set by resolution or ordinance of the city council.

SEC. 28.16.15. - Notice of intention to determine status; Recording.

a. Upon receipt of a complete application, the community development director or designee shall mail, by certified mail, to the then-current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in this article and advising the owner of the opportunity to request a hearing on the determination of status and to present evidence at the hearing that the property does not meet the criteria for merger.

b. The notice of intention to determine status shall be filed for record with the county recorder on the date that notice is mailed to the property owner.

SEC. 28.16.20. - Request for hearing.

At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the community development director or designee a request for hearing on determination of status.

SEC. 28.16.25. - Procedures for hearing; determination of status.

a. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Sec. 28.16.20, the community development director or designee shall fix a time, date and place for a hearing to be conducted by the subdivision committee and shall notify the property owner of that time, date and place for the hearing by certified mail.

b. The hearing shall be conducted not more than sixty (60) days following the receipt of the property owner's request for the hearing but may be postponed or continued with the mutual consent of the subdivision committee and the property owner.

c. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Article.

d. At the conclusion of the hearing, the subdivision committee shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination.

e. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing, as provided for in Sec. [28.16.35](#).

SEC. [28.16.30](#). - Determination of status when no hearing is requested.

a. If, within the thirty (30) day period specified in Sec. [28.16.20](#), the owner does not file a request for hearing, the subdivision committee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged.

b. A determination of merger shall be recorded, as provided for in Sec. [28.16.35](#), no later than ninety (90) days following the mailing of notice of intention to the property owner.

SEC. [28.16.35](#). - Notice of merger; Effective date.

If the subdivision committee determines that the subject property is to be merged, a notice of merger specifying the names of the record owners and describing the real property shall be filed for record with the county record. A merger of parcels becomes effective when the notice of merger is recorded.

SEC. [28.16.40](#). - Notice of nonmerger; Authority to deny merger.

a. If the subdivision committee determines that the subject property is not to be merged, a letter shall be mailed to the applicant stating that the merger application has been denied.

b. A notice of nonmerger shall be filed for record with the county recorder to release the notice of intention to determine status that was previously recorded on the property. The notice of nonmerger shall specify the names of the record owners and shall particularly describe the real property.

c. Pursuant to Section 66451.16 of the Subdivision Map Act, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Sec. [28.16.05](#).

ARTICLE XII.
VESTING TENTATIVE AND PRELIMINARY PARCEL MAPS.

SEC. 28.17. - Vesting maps; Applicability.

a. This Article shall apply to all developments. Whenever provisions of the Subdivision Map Act, as implemented and supplemented by this Article, require the filing of a tentative or preliminary parcel map for a development project, a vesting tentative map or vesting preliminary parcel map may instead be filed, in accordance with the provisions of this Article and the Subdivision Map Act.

b. If a subdivider does not seek the rights conferred by this Division, the filing of a vesting tentative map or vesting preliminary parcel map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

SEC. 28.17.05. - Filing.

A vesting tentative or preliminary parcel map shall be filed with the community development department in the same application form and have the same contents, accompanying data and reports and shall be subject to the same fees and processed in the same manner as required for a nonvesting tentative or preliminary parcel map. In addition, the vesting map shall have printed conspicuously on its face the words "Vesting Tentative Map" or "Vesting Preliminary Parcel Map," as appropriate. A map filed without this printing shall not be a vesting tentative map or vesting preliminary parcel map, and the provisions hereof shall not apply to such a map.

SEC. 28.17.10. - Rights of an approved vesting map; time period for rights; extensions.

a. The approval or conditional approval of a vesting tentative or preliminary parcel map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on the date the application for a vesting tentative or preliminary parcel map is determined to be complete except for previously initiated proceedings to amend or enact ordinances, policies or standards.

b. Notwithstanding subsection (a) of this Section, a permit, approval, extension or entitlement may be made conditionally or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

2. The condition or denial is required in order to comply with state or federal law.

c. The rights referred to herein shall expire if a final or parcel map is not approved prior to the expiration of the vesting tentative or preliminary parcel map. If the final or parcel map is approved, these rights shall last for the following periods of time:

1. The initial period of time shall be one (1) year after the final or parcel map is recorded. Where several final or parcel maps are recorded on various phases of a project covered by a single vesting tentative or preliminary parcel map, the one (1) year initial time period shall begin for each phase when the final or parcel map for that phase is recorded.

2. The initial time period set forth in subsection (c)(1) of this Section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing time exceeds thirty (30) days from the date a complete application is filed.

3. A subdivider may apply to the community development department for a one (1) year extension at any time before the initial time period set forth in subsection (c)(1) of this Section expires. If the extension of a vesting tentative or preliminary parcel map is denied by the subdivision committee, the subdivider may appeal that denial to the city council within fifteen (15) days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (c)(1) through (c)(3) of this Section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

SEC. 28.17.15. - Amendments.

If the ordinances, policies or standards described in Sec. 28.17.10 are changed subsequent to the approval or conditional approval of a vesting tentative or preliminary parcel map, the subdivider, at any time prior the expiration of the vesting tentative map pursuant to Sec. 28.17.10(c)(1) through (c)(3), may apply to the community development department for an amendment to the vesting tentative or preliminary parcel map to secure a vested right to proceed with the changed ordinances, policies or standards. The application shall clearly specify the changed ordinances, policies or standards for which the amendment is sought.

SEC. 28.17.20. - No effect on taxing authority of the city.

Nothing herein shall be construed to limit, restrict or modify the authority of the city to collect any fees, taxes or any other exactions, which are not or may hereafter by ordinance be imposed, as a condition to the city issuance of permits, approvals or entitlements to proceed with any development for which a vesting tentative or preliminary parcel map may have been approved, or conditionally approved, under this Article. The city expressly reserves both the right to increase any existing fees or taxes now required as a condition to the issuance of any such permits, approvals or entitlements, and the right hereafter to impose any additional fees or taxes as conditions to the future issuance of such permits, approvals or entitlements, if, in the sole judgment of the city council, the public health, safety or welfare shall so require.

SEC. 28.17.25. - Map expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period and shall be subject to the same terms and extensions as are applicable for tentative maps. Similarly, the approval or conditional approval of a vesting preliminary parcel map shall expire at the end of the same time period and shall be subject to the same terms and extensions as are applicable for preliminary parcel maps.

APPENDIX A.
PAST ORDINANCE NUMBERS AND
EQUIVALENT UPDATED ORDINANCE NUMBERS.

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>Article I. General Subdivision Provisions</u>	<u>Article I. General Subdivision Provisions</u>
<u>28.1 Authority for local regulations; application</u>	<u>No change</u>
<u>28.2 References to other laws</u>	<u>28.1.05 References to other laws</u>
<u>28.3 Prohibitions of sale, lien or lease</u>	<u>28.1.10 Prohibitions of sale, lien or lease</u>
<u>28.4 Transactions voidable</u>	<u>28.1.15 Transactions voidable</u>
<u>28.5 Issuance of permits</u>	<u>28.1.20 Issuance of permits</u>
<u>28.6 Reapportionment of assessments</u>	<u>28.1.25 Reapportionment of assessments</u>
<u>28.7 Short title</u>	<u>28.1.30 Short title</u>
<u>28.7.1 Definitions</u>	<u>28.1.35 Definitions</u>
<u>Article II. Environmental and Planning Findings</u>	<u>Article II. Environmental and Planning Findings</u>
<u>28.8 through 28.8.3 Mandatory findings; Permissive findings; Environmental findings; Compliance with tentative map</u>	<u>28.2 through 28.2.15 Mandatory findings; Permissive findings; Environmental findings; Compliance with tentative map</u>

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>Article III. Preliminary Parcel Maps and Tentative Maps</u>	<u>Article III. Preliminary Parcel Maps, Urban Lot Splits and Tentative Maps</u>
<u>Division 1 Preliminary Parcel Maps</u>	<u>Division 1 Preliminary Parcel Maps</u>
<u>28.9 Filing</u>	<u>28.3 Filing</u>
<u>28.9.1 Lot line adjustment</u>	<u>28.3.05 Lot line adjustment</u>
<u>28.10 Filing fee</u>	<u>28.3.10 Filing fee</u>
<u>28.11 Form of preliminary parcel map</u>	<u>28.3.15 Form of preliminary parcel map</u>
<u>28.12 Content</u>	<u>28.3.20 Content</u>
<u>28.13 Procedure for approval of preliminary parcel maps</u>	<u>28.3.25 Procedure for approval of preliminary parcel maps</u>
<u>Division 2 Tentative Maps</u>	<u>Division 2 Urban Lot Splits</u>
<u>New sections</u>	<u>28.4 through 28.4.25 Filing; Filing fee; Form of tentative map; Content; Procedure for approval of tentative maps; Improvements</u>
<u>New division</u>	<u>Division 3 Tentative Maps</u>
<u>28.14 Filing</u>	<u>28.5 Filing</u>
<u>28.15 Filing fee</u>	<u>28.5.05 Filing fee</u>
<u>28.16 Form of tentative map</u>	<u>28.5.10 Form of tentative map</u>
<u>28.17 Content</u>	<u>28.5.15 Content</u>
<u>28.18 Procedure for approval of tentative maps</u>	<u>28.5.20 Procedure for approval of tentative maps</u>
<u>Article IV Parcel Maps and Final Maps</u>	<u>Article IV Parcel Maps and Final Maps</u>
<u>Division 1 Parcel Maps</u>	<u>Division 1 Parcel Maps</u>
<u>28.19 Filing</u>	<u>28.6 Filing</u>
<u>28.20 Form</u>	<u>28.6.05 Form</u>
<u>28.21 Content</u>	<u>28.6.10 Content</u>
<u>28.22 Survey requirements</u>	<u>28.6.15 Survey requirements</u>
<u>28.23 Other requirements</u>	<u>28.6.20 Other requirements</u>
<u>28.24 Form of dedication</u>	<u>28.6.25 Form of dedication</u>
<u>28.25 Approval and recording of the parcel map</u>	<u>28.6.30 Approval and recording of the parcel map</u>
<u>28.26 Improvements</u>	<u>28.6.35 Improvements</u>
<u>Division 2 Final Maps</u>	<u>Division 2 Final Maps</u>
<u>28.27 Filing</u>	<u>28.7 Filing</u>
<u>28.28 Form</u>	<u>28.7.05 Form</u>
<u>28.29 Content</u>	<u>28.7.10 Content</u>
<u>28.30 Survey requirements</u>	<u>28.7.15 Survey requirements</u>
<u>28.31 Other requirements</u>	<u>28.7.20 Other requirements</u>
<u>28.32 Approval and recording of final maps</u>	<u>28.7.25 Approval and recording of final maps</u>

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>28.33 Improvements</u>	<u>28.7.30 Improvements</u>
<u>Article V Design Standards</u>	<u>Article V Design Standards</u>
<u>Division 1 General</u>	<u>Division 1 General</u>
<u>28.34 Applicability</u>	<u>28.8 Applicability</u>
<u>28.35 Duty to improve: Manner</u>	<u>28.8.05 Duty to improve: Manner</u>
<u>28.36 Plans and specifications</u>	<u>28.8.10 Plans and specifications</u>
<u>28.37 Drainage, access and public safety structure</u>	<u>28.8.15 Drainage, access and public safety structure</u>
<u>28.38 Street width</u>	<u>28.8.20 Street width</u>
<u>28.39 Alley widths</u>	<u>28.8.25 Alley widths</u>
<u>28.40 Dead end streets (cul-de-sacs)</u>	<u>28.8.30 Dead-end streets (cul-de-sacs)</u>
<u>28.41 Relation to adjacent street systems</u>	<u>28.8.35 Relation to adjacent street systems</u>
<u>28.42 Relation to transit rights-of-way</u>	<u>28.8.40 Relation to transit rights-of-way</u>
<u>28.43 Street names</u>	<u>28.8.45 Street names</u>
<u>28.44 Street trees</u>	<u>28.8.50 Street trees</u>
<u>28.45 Lighting</u>	<u>28.8.55 Lighting</u>
<u>28.46 Signs and posts</u>	<u>28.8.60 Signs and posts</u>
<u>28.47 Division of land into large lots</u>	<u>28.8.65 Division of land into large lots</u>
<u>28.48 Pedestrian ways and bikeways</u>	<u>28.8.70 Pedestrian ways and bikeways</u>
<u>Division 2 Utilities</u>	<u>Division 2 Utilities</u>
<u>28.49 Utilities</u>	<u>28.9 Utilities</u>
<u>28.50 Easements</u>	<u>28.9.05 Easements</u>
<u>28.51 Installation</u>	<u>28.9.10 Installation</u>
<u>28.52 Undergrounding of electric, communication or similar associated utility service</u>	<u>28.9.15 Undergrounding of electric, communication or similar associated utility service</u>
<u>Division 3 Soils Tests</u>	<u>Division 3 Soils Tests</u>
<u>28.53 Preliminary soils report</u>	<u>28.10 Preliminary soils report</u>
<u>28.54 Formal report</u>	<u>28.10.05 Formal report</u>
<u>28.55 Issuance of building permits</u>	<u>28.10.10 Issuance of building permits</u>
<u>28.56 Notation on final map</u>	<u>28.10.15 Notation on final map</u>
<u>28.57 Report on file</u>	<u>28.10.20 Report on file</u>
<u>Division 4 Provisions for Park Land Dedication or Fees In Lieu Thereof</u>	<u>Division 4 Provisions for Park Land Dedication or Fees In Lieu Thereof</u>
<u>28.58 through 28.66 repealed by Ord. No. 4.97, 3/25/97</u>	

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>Article VI. Condominiums, Community Apartment Projects and Common Green Subdivisions</u>	<u>Article VI. Condominiums, Community Apartment Projects and Common Green Subdivisions</u>
<u>28.67 Applicability</u>	<u>28.11 Applicability</u>
<u>28.68 Map filing and form; project plan required</u>	<u>28.11.05 Map filing and form; project plan required</u>
<u>28.68.1 Buyer protection provisions</u>	<u>28.11.10 Buyer protection provisions</u>
<u>28.69 Design standards for new condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common</u>	<u>28.11.15 Design standards for new condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common</u>
<u>28.69.1 Condominium development initially for rental purposes</u>	<u>28.11.20 Condominium development initially for rental purposes</u>
<u>Article VII. Residential Condominium Conversions</u>	<u>Article VII. Residential Condominium Conversions</u>
<u>28.70 Purpose</u>	<u>28.12 Purpose</u>
<u>28.71 Applicability</u>	<u>28.12.05 Applicability</u>
<u>28.72 Permit</u>	<u>28.12.10 Permit</u>
<u>28.73 Tenant noticing requirements</u>	<u>28.12.15 Tenant noticing requirements</u>
<u>28.74 Process</u>	<u>28.12.20 Process</u>
<u>28.75 Required city council findings for approval; grounds for denial</u>	<u>28.12.25 Required city council findings for approval; grounds for denial</u>
<u>28.76 Design and safety standards for conversions</u>	<u>28.12.30 Design and safety standards for conversions</u>
<u>Article VIII. Commercial Condominium Conversions</u>	<u>Article VIII. Commercial Condominium Conversions</u>
<u>28.80 Purpose</u>	<u>28.13 Purpose</u>
<u>28.81 Applicability</u>	<u>28.13.05 Applicability</u>
<u>28.82 Permit</u>	<u>28.13.10 Permit</u>
<u>28.83 Tenant noticing requirements</u>	<u>28.13.15 Tenant noticing requirements</u>
<u>28.84 Process</u>	<u>28.13.20 Process</u>
<u>28.85 Required city council findings for approval; grounds for denial</u>	<u>28.13.25 Required city council findings for approval; grounds for denial</u>
<u>28.86 Design and safety standards for conversions</u>	<u>28.13.30 Design and safety standards for conversions</u>
<u>Article IX. Conversion Limitation Act</u>	<u>Article IX. Conversion Limitation Act</u>
<u>28.90 Statement of purpose</u>	<u>28.14 Statement of purpose</u>
<u>28.91 Definitions</u>	<u>28.14.05 Definitions</u>
<u>28.92 Limitations on conversions</u>	<u>28.14.10 Limitations on conversions</u>
<u>28.93 Majority petition exception</u>	<u>28.14.15 Majority petition exception</u>

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>28.94 Scope</u>	<u>28.14.20 Scope</u>
<u>28.95 Tenant protections</u>	<u>28.14.25 Tenant protections</u>
<u>28.96 Partial invalidity</u>	<u>28.14.30 Partial invalidity</u>
<u>Article X. Mobile Home Park Conversion or Cessation of Use</u>	<u>Article X. Mobile Home Park Conversion or Cessation of Use</u>
<u>28.98 Repealed by Ord. No. 18.89, 10/10/89</u>	
<u>28.100 Findings and policy</u>	<u>28.15 Findings and policy</u>
<u>28.101 Conversion impact report; notice to residents; hearing; bankruptcy exception; fees</u>	<u>28.15.05 Conversion impact report; notice to residents; hearing; bankruptcy exception; fees</u>
<u>28.102 Notice to residents and owners of mobile homes</u>	<u>28.15.10 Notice to residents and owners of mobile homes</u>
<u>28.103 Conversion impact report related to subdivision of mobile home park</u>	<u>28.15.15 Conversion impact report related to subdivision of mobile home park</u>
<u>28.103.1 Compliance with Subdivision Map Act</u>	<u>28.15.20 Compliance with the Subdivision Map Act</u>
<u>Article XI. Merger of Substandard Sized Parcels</u>	<u>Article XI. Merger of Substandard Sized Parcels</u>
<u>28.104 Applicability</u>	<u>28.16 Applicability</u>
<u>28.105 Conditions under which contiguous parcels may merge</u>	<u>28.16.05 Conditions under which contiguous parcels may merge</u>
<u>28.106 Application; fee</u>	<u>28.16.10 Application; fee</u>
<u>28.107 Notice of intent to determine status; hearing</u>	<u>28.16.15 Notice of intent to determine status; hearing</u>
<u>28.108 Request for hearing</u>	<u>28.16.20 Request for hearing</u>
<u>28.109 Procedures for hearing; determination of status</u>	<u>28.16.25 Procedures for hearing; determination of status</u>
<u>28.110 Determination of status when no hearing is requested</u>	<u>28.16.30 Determination of status when no hearing is requested</u>
<u>28.111 Noticed of nonmerger; authority to deny merger</u>	<u>28.16.35 Noticed of nonmerger; authority to deny merger</u>
<u>Article XII. Vesting Tentative and Preliminary Parcel Maps</u>	<u>Article XII. Vesting Tentative and Preliminary Parcel Maps</u>
<u>28.121 Vesting maps: applicability</u>	<u>28.17 Vesting maps: applicability</u>
<u>28.122 Filing</u>	<u>28.17.05 Filing</u>
<u>28.123 Rights of an approved vesting map; time period for rights; extensions</u>	<u>28.17.10 Rights of an approved vesting map; time period for rights; extensions</u>

<u>Past Ordinance Number</u>	<u>Updated Ordinance Number</u>
<u>28.124 Amendments</u>	<u>28.17.15 Amendments</u>
<u>28.125 No effect on taxing authority of the city</u>	<u>28.17.20 No effect on taxing authority of the city</u>
<u>28.126 Map expiration</u>	<u>28.17.25 Map expiration"</u>

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. 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 4. 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.

SUMMARY OF DRAFT ZONING ORDINANCE AMENDMENTS

ARTICLE III	GENERAL REGULATIONS
Sec. 36.06.50	Amend the section to specify that dual urban opportunity (DUO) developments are exempt from Planning permit requirements. Alphabetize items.
ARTICLE IV	RESIDENTIAL ZONES
Sec. 36.10	Amend the section to include DUO developments as an intended use in the R1 District.
Sec. 36.10.05	Amend the section to add “DUO development” as a permitted land use in the residential land use table. Alphabetize items.
Sec. 36.10.15	Amend the section to specify that minimum R1 lot sizes do not pertain to lots created by urban lot splits.
Sec. 36.10.20	Amend the section to specify that minimum R1 lot frontage does not pertain to lots created by urban lot splits.
Sec. 36.10.25	Amend the section to specify that the R1 development standards do not pertain to DUO developments. Amend the table for additional clarity.
Sec. 36.10.30	Amend the section to remove the requirement for a Development Review Permit for development on a site with a nonconforming structure.
Sec. 36.10.35	Amend the section to clarify that the lot standards and Planned Unit Development requirement only pertain to subdivisions where three or more lots are created and one lot does not provide the R1 minimum frontage. Refer to urban lot splits sections for two-lot subdivisions.
Sec. 36.12.65	Amend the section to add a DUO housing site definition and clarify the multi-family residential site definition.
Sec. 36.12.80	Amend the section to provide a reference to the DUO housing site sections for information on the maximum number of units on a DUO housing site.
Sec. 36.13.10	Add a new section (Dual urban opportunity housing) to establish DUO housing sites and to state the purpose of the following sections.
Sec. 36.13.15	Add a new section (Rental term) to establish the minimum rental term for dwelling units on dual urban opportunity housing sites.

Sec. 36.13.20	Add a new section (Dual urban opportunity developments) to establish standards for DUO developments.
Sec. 36.13.25	Add a new section (Eligibility) to establish eligibility requirements for DUO developments.
Sec. 36.13.30	Add a new section (Sale of units) to state that the units of a DUO development cannot be sold separately.
Sec. 36.13.35	Add a new section (Maximum number of units) to state the maximum number of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) on DUO housing sites.
Sec. 36.13.40	Add a new section (Development standards) to establish development standards for DUO developments.
Sec. 36.13.45	Add a new section (Exceptions) to establish development standard and parking exceptions for DUO developments.
Sec. 36.13.50	Add a new section (Findings for denial) to establish findings for which the City may deny an application for a DUO development.
Sec. 36.13.55	Add a new section (Urban lot split) to establish standards and requirements for urban lot splits.
Sec. 36.13.60	Add a new section (Map Act compliance) to state that urban lot splits must comply with the Subdivision Map Act.
Sec. 36.13.65	Add a new section (Eligibility) to establish eligibility requirements for urban lot splits.
Sec. 36.13.70	Add a new section (Urban lot split standards) to establish standards for new lots created by urban lot splits.
Sec. 36.13.75	Add a new section (Owner occupancy) to state that a property owner must occupy one of the units as their primary residence for a minimum of three years after having subdivided their lot with an urban lot split.
Sec. 36.13.80	Add a new section (Retained structure setbacks on lots created by urban lot splits) to specify that setback requirements do not apply for legal, existing dwellings that are retained on a lot that is subdivided with an urban lot split.
ARTICLE X	PARKING AND LOADING
Sec. 36.32.80	Amend the section to establish parking requirements for DUO developments.

ARTICLE XVI	ZONING ORDINANCE ADMINISTRATION
Sec. 36.56.75	Add a new section (Closure of inactive permits) to specify when an inactive planning application will be considered withdrawn and closed out.
ARTICLE XVII	DEFINITIONS
Sec. 36.60.11	Amend the section to add definitions for “DUO development” and “DUO housing site.”
Sec. 36.60.45	Amend the section to add a definition for “urban lot split.”

SUMMARY OF DRAFT SUBDIVISION ORDINANCE AMENDMENTS

NOTE: Staff is proposing to rescind Chapter 28 (Subdivisions) of the City Code in its entirety and replace it with an undated numbering convention that will facilitate future amendments to the Chapter. The following table only reflects sections where staff proposes substantive amendments.

ARTICLE I	GENERAL SUBDIVISION PROVISIONS
Sec. 28.1.35	Add an urban lot split definition.
ARTICLE III	PRELIMINARY PARCEL MAPS, URBAN LOT SPLITS AND TENTATIVE MAPS
Sec. 28.1.35	Add a definition for “urban lot split”.
Sec. 28.3	Amend the section to remove the requirement for hard-copy preliminary parcel map submittals and add a requirement that a completed application form be submitted.
Sec. 28.4	Add a new section (Filing) to establish filing instructions for urban lot splits.
Sec. 28.4.05	Add a new section (Filing fee) to establish fee payment requirements upon submittal of an urban lot split application.
Sec. 28.4.10	Add a new section (Form of preliminary parcel map for an urban lot split) to specify the required form of the map.
Sec. 28.4.15	Add a new section (Content) to specify the required content of the map.
Sec. 28.4.20	Add a new section (Procedures for approval of preliminary parcel maps for urban lot splits) to establish urban lot split review and approval procedures.
Sec. 28.4.25	Add a new section (Improvements) to specify that public improvements and land dedications may not be required with an urban lot split and to specify that easement(s) necessary to provide services and/or access to the lot(s) may be required.
Sec. 28.5	Amend the section to remove the requirement for hard-copy tentative map submittals and add a requirement that a completed application form be submitted.