

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
REPEALING 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 Chapter 28 of the Mountain View City Code is hereby rescinded in its entirety, and a new Chapter 28 shall be adopted to read as follows: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 1 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>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>Past Ordinance Number</u>	<u>Updated Ordinance Number</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>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>Past Ordinance Number</u>	<u>Updated Ordinance Number</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>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>Past Ordinance Number</u>	<u>Updated Ordinance Number</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>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>Past Ordinance Number</u>	<u>Updated Ordinance Number</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>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.
