

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36 (ZONING ORDINANCE) OF THE CITY CODE TO UPDATE ACCESSORY DWELLING UNIT AND HOME-BASED CHILD-CARE REGULATIONS TO ALIGN WITH NEW STATE REGULATIONS AND MODIFICATIONS TO PLANNED COMMUNITY PERMIT REGULATIONS

WHEREAS, the City Council of the City of Mountain View has reviewed and considered the March 4, 2020 recommendation of the Environmental Planning Commission relating to Zoning Text Amendments to Chapter 36 of the Mountain View City Code; and

WHEREAS, the City Council of the City of Mountain View finds and declares that Chapter 36, entitled "Zoning," of the Mountain View City Code should be amended to be consistent with recent amendments to State law (Government Code Sections 65852.2 and 65852.22) regarding accessory dwelling units and junior accessory dwelling units;

NOW, THEREFORE, the City Council of the City of Mountain View does hereby ordain as follows:

Section 1. Council Findings. On March 4, 2020, the Environmental Planning Commission held a duly noticed public hearing and reviewed all project materials, staff reports, public testimony, and environmental review on said Zoning Text Amendments and adopted a resolution recommending City Council approval of the Zoning Text Amendments.

The City Council finds and determines, at a duly noticed public hearing on April 28, 2020, that the following Zoning Text Amendments are consistent with the General Plan of the City of Mountain View based upon the following findings made pursuant to Section 36.52.70 of the City Code:

a. The proposed Zoning Text Amendments are consistent with the General Plan because they support policies of the 2015-2023 Housing Element by removing constraints to the development of accessory dwelling units, as provided in Program 4.3, and with the land use policies and action plan of the 2030 General Plan because they update the Zoning Ordinance to address outdated or inconsistent policies with legislative updates by the City, State, or Federal agencies and provide increased clarity within the City Code pertaining to Planned Community Permits; and

b. The proposed Zoning Text Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because they are required to be consistent with State law and will allow the City's provisions regarding accessory dwelling units and home-based child care to remain enforceable and will provide increased clarity within the City Code pertaining to Planned Community Permits; and

c. The proposed amendments are internally consistent with Chapter 36 (Zoning) of the Mountain View City Code; and

d. The proposed project complies with the California Environmental Quality Act pursuant to Section 15061(b)(3) because it includes Zoning Text Amendments to comply with recent legislation enacted by the State and Planned Community Permits. Therefore, it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

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

“SEC. 36.06.50. Exemptions from zoning permit requirements.

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

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

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

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

1. **Interior lots.** Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g.,

open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

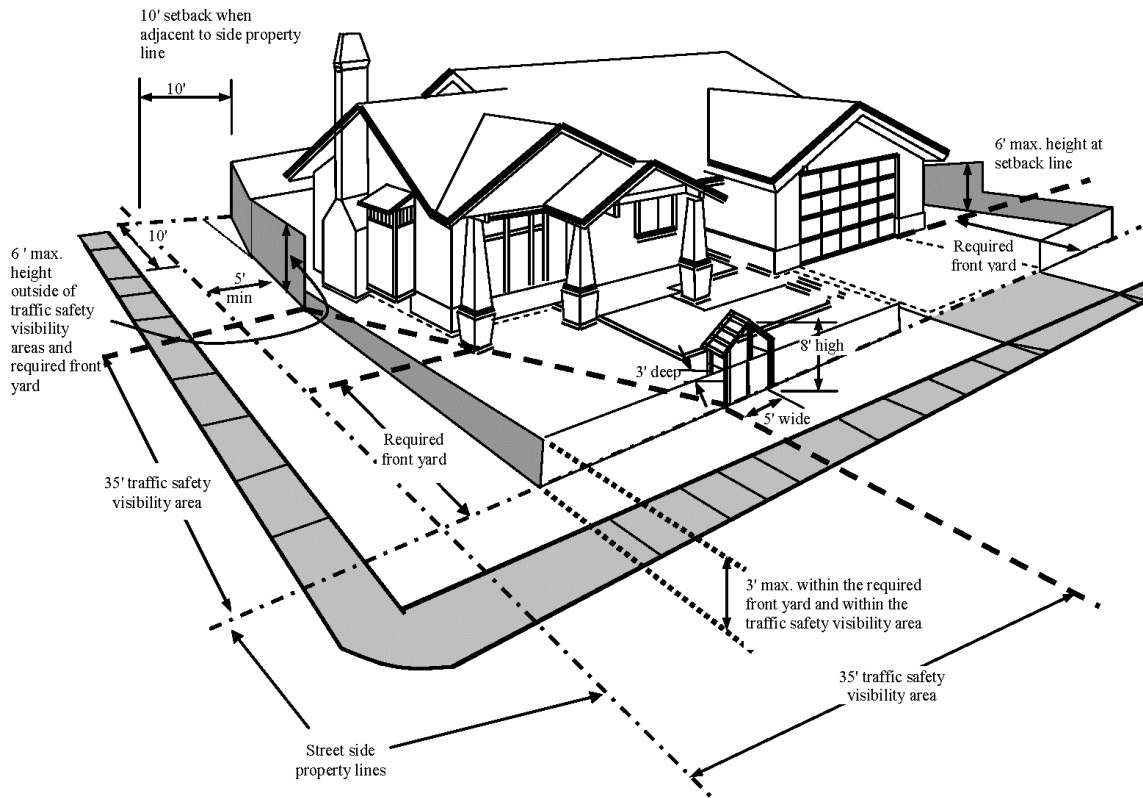
2. Corner lots.

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

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

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

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



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

e. **Irrigation.** The installation of irrigation lines.

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

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

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

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

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

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

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

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

n. **Antenna, communication facilities.** Communication facilities and antenna, as defined in Sec. 36.60.03, are allowed in all zoning districts subject to a development review permit (Sec. 36.44.45), unless prohibited by state and/or federal law, and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This section shall apply to any facility proposed within a city zoning district, excluding the city's rights-of-way. All of the aspects enumerated in Government Code §65850.6(b)

(which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

o. Accessory dwelling units and junior accessory dwelling units. Development of an accessory dwelling unit, as defined in Sec. 36.60.05, or a junior accessory dwelling unit, as defined in Sec. 36.60.23, requires review for shall be designed and reviewed in compliance with ~~this~~ Sec. 36.12.60, prior to submittal of a building permit for the creation of an accessory dwelling unit. All applications for accessory dwelling units that meet and comply with all applicable provisions of this chapter shall be approved without discretionary review or a hearing within one hundred twenty (120) days after receipt of a substantially complete building permit application. The application shall be denied if the proposed accessory dwelling unit does not comply with all applicable requirements of this Chapter or it may be conditionally approved subject to conditions that will bring the proposed secondary dwelling unit into compliance with this Chapter.

~~Conversion of an accessory structure/garage or other living space to an accessory dwelling unit shall meet all adopted building codes for residential occupancy. Such conversions shall also require a ministerial review or a hearing within one hundred twenty (120) days after receipt of a substantially complete application.~~

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

Section 3. Chapter 36, Article IV, Division 2, Section 36.10.05, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.10.05. Residential zone land uses and permit requirements.

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

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review where required and parking requirements, and subject to obtaining any building permit or other permit required by the city code ("P" uses on the tables).

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

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

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

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

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

LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

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

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
RESIDENTIAL						
Accessory Dwelling Unit	P	<u>P</u>	<u>P</u>		<u>P</u>	36.12.60
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>					<u>36.12.60</u>
Duplexes		P	P		P	36.10.40
Home Occupations	P	P	P	P	P	36.28.75
Mobile Home Parks				MHPP		36.12.15
Manufactured Housing	P	P	P	P	P	36.12.30
Mobile Home, Single	P	P	P	P	P	36.12.30
Multiple-Family Housing		CUP	P		P	For R3 District: 36.10.60 and For R4 District: 36.12
Accessory Uses and Structures	P	P	P	P	P	36.12.35
Residential Care Home, 7+ clients	CUP	CUP	CUP	CUP	CUP	
Residential Care Home, 0-6 clients	P	P	P	P	P	
Rooming and Boarding Houses	CUP	CUP	CUP	CUP	CUP	

Rooming and Boarding, 2 persons maximum	P	P	P	P	P	36.10.85
Senior Care Facility	CUP	CUP	CUP		CUP	
Senior Congregate Care Housing		CUP	CUP		CUP	
Single-Family Housing	P	P	P	P	P	36.10.10
Small-Lot Single-Family Housing		PUD	PUD		PUD	36.16
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Townhouses		PUD	PUD		PUD	36.16.10
Rowhouses		PUD	PUD		PUD	36.16.20
Uses Not Named But Similar to Listed Uses	CUP	CUP	CUP	CUP	CUP	
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	
Recreational Vehicle (RV) Parks				CUP		
Safe Parking ¹	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	

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

SERVICES						
Cemeteries, Columbariums (with Church)	CUP	CUP	CUP	CUP	CUP	36.28.15
Medical Services, Extended Care			CUP	CUP	CUP	
Offices, Property Management		CUP	P	P	P	
Offices, Temporary Real Estate	TUP	TUP	TUP	TUP	TUP	36.46
Parking Lots, Not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	36.46

KEY TO PERMIT REQUIREMENTS	See Section	
Permitted Use, Zoning Compliance Required (Development Review may also be required)	P	36.44 and 36.44.45
Conditional Use, Conditional Use Permit Required	CUP	36.48
Planned Unit Development, PUD Permit Required	PUD	36.46.70
Temporary Use, Temporary Use Permit Required	TUP	36.46
Mobile Home Park, Mobile Home Park Permit Required	MHPP	36.48.35
Use Not Allowed"		

Section 4. Chapter 36, Article IV, Division 10, Section 36.12.60, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.12.60. Companion Accessory dwelling units and junior accessory dwelling units.

Where allowed by Sec. 36.10.05 (Land Uses and Permit Requirements by Residential Zone), this section establishes standards for accessory dwelling units, also known as secondary dwelling units or companion units and junior accessory dwelling units in conformance with the city code and all applicable state laws."

Section 5. Chapter 36, Article IV, Division 10, Section 36.12.65, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.12.65. Legislative findings.

~~In compliance with Senate Bill 1069 enacted in 2016 which amended As required by Government Code §§ 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2, the city finds that accessory dwelling units and junior accessory dwelling units are consistent with the allowable density and with the general plan and zoning designation for the site provided the units are located on properties in the R1 zoning district zoned to allow single-family or multi-family dwelling residential uses.”~~

Section 6. Chapter 36, Article IV, Division 10, Section 36.12.70, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.12.70. Development standards.

~~— An accessory dwelling unit may be allowed on a lot occupied with a single family unit in the R1 zoning district in addition to a primary dwelling, subject to the following requirements:~~

~~— a. Primary dwelling required. The site shall be developed with one (1) detached single family dwelling;~~

~~— b. Accessory Dwelling unit appearance. The design of the unit shall conform in general to the design of the primary dwelling; and~~

~~— c. Site layout and design standards. The location and design of an accessory dwelling unit shall comply with the following requirements:~~

ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.	
Gross floor area	Minimum: 150 square feet of habitable floor area. Maximum: 700 sq. ft. of habitable floor area, maximum, and 200 sq. ft. for a garage, maximum, provided the total floor area for the lot does not exceed the maximums in Sec. 36.10.25.	
Location of unit	Attached to a principal structure	Basement, ground level or above the garage with no internal access to the primary dwelling.
	Detached unit	Rear half of lot.

	Above a detached garage	Rear half of lot.	
Site coverage, detached rear-yard units	30% of the rear yard, maximum, including any other accessory structures, and projections of the primary dwelling.		
Setbacks	Side	1-story detached structure: 5 ft. minimum, 12 ft. total.	
		1-story attached (including basement): comply with required setbacks of the primary dwelling unit. See Sec. 36.10.25.	
		2-story over attached or detached garage: See Comply with required 2-story setbacks of the primary dwelling unit. Sec. 36.10.25.	
		Conversion of an existing (legal conforming) accessory structure into an accessory dwelling unit shall meet the minimum setbacks required for fire safety.	
	Rear	1-story detached: 10 ft. minimum.	
		1-story attached (including basement): comply with required setbacks of the primary dwelling unit. See Sec. 36.10.25.	
		2-story over attached or detached garage: Comply with required 2-story setbacks of the primary dwelling unit. See Sec. 36.10.25.	
		Conversion of an existing (legal conforming) accessory structure into an accessory dwelling unit shall meet the minimum setbacks required for fire safety.	
	Interior	10 ft. minimum, from primary dwelling or other structure, if detached.	
	Height limit	1-story detached: 16 ft. maximum building height and 9 ft. at top of wall plate.	
		1-story attached: See Sec. 36.10.25 for height limits for principal structures.	
		2-story (over garage): 28 ft. maximum building height and 22 ft. at top of wall plate.	

Parking	Required Spaces	1 space per unit (covered or uncovered), which can be provided as tandem parking in an existing driveway. No additional parking is required if the accessory dwelling unit meets provision of Sec 36.12.75.
	Shared Parking	A driveway, garage or carport may be shared with the primary dwelling unit if the companion unit has direct, unobstructed (or shared) access to the parking space(s).
	Conversion of an Existing Garage or a Carport into an Accessory Dwelling Unit	The replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces or tandem spaces, or by the use of mechanical automobile parking lifts.

SEC. 36.12.70. Review process.

Development of an accessory dwelling unit, as defined in Sec. 36.60.05, or a junior accessory dwelling unit, as defined in Sec. 36.60.23, that meets and complies with all applicable requirements shall be reviewed ministerially as a building permit within sixty (60) days of submittal of a complete application.

a. If the permit application for a junior or accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on a lot, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling is approved.

b. Occupancy of the junior or accessory dwelling unit shall not be allowed until the city approves occupancy of the primary dwelling.

c. Conversion of an existing legal living area or detached accessory structure into an accessory dwelling unit, or construction of a new accessory dwelling unit in the same location and built to the same dimensions as existing legal living area or detached accessory structure, shall be allowed subject to all adopted building and fire codes for residential occupancy."

Section 7. Chapter 36, Article IV, Division 10, Section 36.12.75, of the Mountain View City Code is hereby amended to read as follows:

~~“SEC. 36.12.75. Parking exceptions.~~

~~No parking space is required for Accessory Dwelling Units if any of the following conditions are met:~~

- ~~a. The unit is located within one half mile of public transit.~~
- ~~b. The unit is located within an architecturally and historically significant historic district.~~
- ~~c. The unit is part of the existing primary dwelling unit or an existing accessory structure.~~
- ~~d. On street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.~~
- ~~e. There is a car share vehicle parking space located within one (1) block of the Accessory Dwelling Unit.~~

SEC. 36.12.75. Development standards for accessory dwelling units.

An accessory dwelling unit may be allowed on a residential property containing an existing or proposed residential dwelling unit subject to the following requirements. All development standards contained in the underlying zoning district shall apply to accessory dwelling units unless they are inconsistent with the provisions of this Section.

ACCESSORY DWELLING UNIT REQUIREMENTS

<u>Minimum lot area</u>	<u>No minimum.</u>	
<u>Gross floor area</u>	<u>Minimum: 150 square feet of habitable floor area. Maximum: 850 square feet of habitable floor area for a studio or one bedroom, and 1,000 square feet for two bedrooms or more. Accessory dwelling units attached to an existing primary dwelling cannot exceed 50% of existing primary dwelling’s gross floor area.</u>	
<u>Location of unit</u>	<u>Attached to a primary dwelling</u>	<u>Basement, first story or second story.</u>
	<u>Detached unit</u>	<u>Rear half of lot, first story or above a detached accessory structure.</u>

<u>Lot coverage, detached rear-yard units</u>	<u>Maximum 30% of the required rear yard, including any other accessory structures or projections of the primary dwelling.</u>	
<u>Setbacks</u>	<u>Side</u>	<u>4 ft. minimum.</u>
	<u>Rear</u>	<u>4 ft. minimum.</u>
	<u>Interior</u>	<u>10 ft. minimum, from primary dwelling or other structure, if detached.</u>
<u>Height limit</u>	<u>First-story unit: 16 ft. maximum building height.</u>	
	<u>Second-story unit: 28 ft. maximum building height.</u>	
<u>Parking</u>	<u>Required Spaces</u>	<u>1 space per unit (covered or uncovered), which can be provided as tandem parking in an existing driveway. No additional parking is required if the accessory dwelling unit meets the provisions of Sec. 36.12.90.</u>
	<u>Shared Parking</u>	<u>A driveway, garage or carport may be shared with the primary dwelling unit if the companion unit has direct, unobstructed (or shared) access to the parking space(s).</u>
<u>Design</u>	<u>The design of the unit shall utilize the same exterior materials, roof forms and architectural style as the primary dwelling.</u>	
<u>Entrances</u>	<u>An accessory dwelling unit shall have a separate entrance from the primary dwelling unit."</u>	

Section 8. Chapter 36, Article IV, Division 10, Section 36.12.80, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.12.80. Provisions applicable to existing multi-family structures.

Accessory dwelling units may be permitted on R2-zoned properties or sites containing existing multi-family structures as follows:

- a. Accessory dwelling units shall be permitted within the portions of an existing multi-family dwelling structure that are not used as livable space, provided that each unit complies with state building standards for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit

in a multi-family structure. Up to twenty-five (25) percent of the number of existing multi-family units in the building, but at least one (1) unit, shall be allowed.

b. Up to two (2) detached accessory dwelling units shall be permitted on a lot with an existing multi-family dwelling structure, provided that the height does not exceed sixteen (16) feet and that four (4) foot side and rear yard setbacks are maintained."

Section 9. Chapter 36, Article IV, Division 10, Section 36.12.85, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.12.85. Provisions applicable to junior accessory dwelling units.

a. A junior accessory dwelling unit up to a maximum of five hundred (500) square feet may only be allowed within an existing or proposed single-family dwelling.

b. A junior accessory dwelling unit shall have a separate entrance from the single-family dwelling.

c. A junior accessory dwelling unit shall include an efficiency kitchen which includes a cooking facility with appliances and a food preparation counter and storage cabinets.

d. A junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family dwelling.

e. No additional parking spaces shall be required for the construction of a junior accessory dwelling unit.

f. A junior accessory dwelling unit may be allowed on the same lot with an accessory dwelling unit provided the accessory dwelling unit is detached from the single-family dwelling and the detached accessory dwelling unit is no larger than eight hundred (800) square feet, less than sixteen (16) feet in height, and a minimum of four (4) feet from the side and rear property lines.

g. Unless the property is owned by a governmental agency, land trust or housing organization, one (1) of the dwellings on the lot must be occupied by at least one (1) legal owner of the lot.

h. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction, in a form satisfactory to the city attorney and zoning administrator,

shall be recorded at the Santa Clara County Recorder's office and filed with the city. The deed restriction shall prohibit the sale of the junior accessory dwelling unit separate from the sale of the single-family dwelling, restrict any modifications to the junior accessory dwelling unit that would render the unit nonconforming or not consistent with this Section, prohibit renting the unit for fewer than thirty (30) days and require that one (1) of the dwellings on the lot must be occupied by at least one (1) legal owner of the lot."

Section 10. Chapter 36, Article IV, Division 10, Section 36.12.90, of the Mountain View City Code is hereby added to read as follows:

"SEC. 36.12.90. Exceptions.

a. Parking exceptions. No parking space is required for an accessory dwelling unit if any of the following conditions are met:

1. The unit is located within one-half (1/2) mile walking distance of public transit.

2. The unit is located within an architecturally and historically significant historic district.

3. The unit is part of the existing primary dwelling unit or an existing accessory structure.

4. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. There is a car-share vehicle parking space located within one (1) block of the accessory dwelling unit.

6. When an existing garage or carport is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, no replacement parking spaces shall be required.

b. Development standard exceptions.

1. Limits on lot coverage, floor area ratio, open space and detached accessory dwelling unit location shall allow at minimum an eight hundred (800) square foot detached or attached accessory dwelling unit sixteen (16) feet high with four (4) foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other development standards.

2. An expansion of no more than one hundred fifty (150) square feet to accommodate ingress and egress shall be allowed for accessory dwelling units or junior accessory dwelling units within existing living area or detached structures.”

Section 11. Chapter 36, Article IV, Division 10, Section 36.12.95, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.95. Sale of units.

Accessory dwelling units and junior accessory dwelling units may be rented independently of the primary dwelling or multi-family dwelling structure, but may not be sold or conveyed separately from the other dwellings on the lot.”

Section 12. Chapter 36, Article IV, Division 10, Section 36.12.100, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.100. Short-term rentals.

Short-term rentals shall be prohibited in all accessory dwelling units under eight hundred (800) square feet, all junior accessory dwelling units and all accessory dwelling units in multi-family zones.”

Section 13. Chapter 36, Article IV, Division 10, Section 36.12.105, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.105. Fire sprinklers.

Fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary dwelling unit.”

Section 14. Chapter 36, Article IV, Division 10, Section 36.12.110, of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.110. Utilities.

a. Except as provided in subsection (b) below, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the second unit.

b. Junior accessory dwelling units and accessory dwelling units converted from the existing space of a single-family dwelling or accessory structure are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.

c. All utility extensions shall be placed underground.

d. No accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.”

Section 15. Chapter 36, Article V, Division 2, Section 36.18.05, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.18.05. Commercial zone land use permit requirements.

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

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the ~~c~~City ~~c~~Code (“P” uses on the tables). Per Sec. 36.44.45, development review approval is required for changes from one (1) permitted use to another, including changes in property or building use that involve exterior modifications or change the development’s required parking.

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

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

d. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY COMMERCIAL DISTRICT

NOTE 1: Where the last column on the following tables (“See Section”) includes a section number, there are specific regulations and/or a specific definition in the referenced section that apply to the use; however, provisions in other sections may apply as well.

NOTE 2: Changes from one (1) permitted use to another require development review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
MANUFACTURING AND PROCESSING					
Food products		P			36.60.15
Furniture and fixtures		P			
Laundry and dry cleaning plants		P			
Printing and publishing		P			
Recycling – reverse vending machines	CUP	CUP	CUP	CUP	36.60.39
Recycling – small collection facility	CUP	CUP	CUP	CUP	36.60.39
Wholesaling and distribution		P			36.60.49
RECREATION, EDUCATION, PUBLIC ASSEMBLY					
Adult entertainment establishments				CUP	36.28.10
Child day-care facilities	CUP	CUP	CUP	CUP	36.28.20
Churches	CUP		CUP	P	
Community centers	CUP		CUP	CUP	
Indoor recreation and fitness centers	CUP	CUP		P	
Libraries and museums	CUP		CUP	CUP	
Membership organization facilities and meeting halls			CUP	CUP	
Outdoor commercial recreation				CUP	
Pool and billiard rooms				CUP	
Public schools	CUP	CUP	CUP	CUP	
Private schools	CUP		CUP	CUP	
Schools – specialized education and training	CUP	CUP	CUP	CUP	

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Studios for dance, art, music, photography, martial arts, etc.	CUP	CUP	CUP	P	
Theaters				CUP	
RESIDENTIAL					
<u>Accessory dwelling unit</u>				<u>P</u>	<u>36.18.50, 36.12.60</u>
Efficiency studios				CUP	36.28.40
Emergency shelters	CUP	CUP	CUP	CUP	36.28.60
Home occupations				P	36.28.75
Multi-family housing, townhouses, rowhouses or mixed-use commercial/housing				CUP	36.18.50
Residential accessory use structures				P	36.12.35
Safe parking	CUP	CUP	CUP	CUP	36.32 and Chapter 19
RETAIL TRADE					
Accessory retail uses	P	P	P	P	36.28.05
Auto, mobile home, trailer and boat sales		P		CUP	36.30.25
Bars and drinking places		CUP		CUP	
Building material stores (not including concrete)		P		CUP	
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	36.28.30
Fuel and ice dealers		P		CUP	
Furniture, furnishings and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	
Outdoor merchandise and activities		CUP		CUP	36.28.95
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	36.46
Restaurants serving liquor, with entertainment				CUP	

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Restaurants serving liquor, without entertainment	CUP	CUP		P	
Restaurants with or without beer and wine	P	CUP		P	
Restaurants, take-out	P	CUP		P	
Retail stores, general merchandise	P	CUP		P	36.60.39
Second-hand stores		CUP		CUP	
Shopping centers	P			CUP	36.60.41
Significant tobacco retailer				CUP	36.30.20 and 36.30.30
Warehouse retail stores		CUP			36.30.40
SERVICES					
Animal service establishments	CUP	CUP	CUP	CUP	36.30.35
Automatic teller machines (ATMs)	P	P	P	P	
Banks and financial services	P		P	P	
Business support services		P		P	36.60.07
Cannabis business, nonstorefront retail		CUP			36.30.55, 36.60.03 and Chapter 9
Cemeteries, columbariums and mortuaries			CUP	P	36.28.15
Commercial parking lots		CUP		CUP	
Contractors equipment: storage, sales or rental		P			
Drive-in and drive-through services	CUP	CUP	CUP	CUP	36.28.30
Hotels and motels				CUP	36.18.50
Plant nursery		P		CUP	
Medical services					
Medical services – < 3,000 square feet	P		P	P	36.60.29
Medical services – 3,000 to 20,000 square feet	CUP		P	P	36.60.29
Medical services – > 20,000 square feet			CUP	CUP	36.60.29
Medical services – hospitals and extended care			CUP	CUP	36.60.29
Offices					

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Offices	CUP	P	P	P	CN District: 36.18.15.B CS District: 36.18.20
Administrative and executive			P	P	
Research and development/light testing and assembly		P		CUP	CS District: 36.18.20 CRA District: 36.18.25
Personal services	P	CUP		P	36.60.35
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance – consumer products	P	P		P	36.60.39
Repair and maintenance – vehicle, major work		P			36.30.25, 36.60.39 and Chapter 39
Repair and maintenance – vehicle, minor work		P		CUP	36.30.25, 36.60.39 and Chapter 39
Service stations	CUP	CUP		CUP	36.30.15
Storage, accessory	P	P	P	P	36.60.41
Tow yards		CUP			
Electrical, plumbing and carpenter shops		P			
Warehousing		P			
TRANSPORTATION AND COMMUNICATIONS					
Pipelines and utility lines	P	P	P	P	
Transit stations and terminals		CUP		CUP	
Vehicle storage		P			36.60.47
OTHER USES					
Other uses not named but similar to listed uses as determined by the zoning administrator”	CUP	CUP	CUP	CUP	36.18.05.d

Section 16. Chapter 36, Article V, Division 2, Section 36.18.50, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.18.50. CRA zoning district special development standards.

The following special standards apply to the specified land uses in the CRA zoning district:

a. **Hotels and motels.** Hotels and motels are allowed only on sites with an area of twenty thousand (20,000) square feet or larger, shall have a maximum FAR of 1.35 and comply with the setback and height standards listed in Sect. 36.18.50.b.

b. **Accessory dwelling units.** Accessory dwelling units shall be permitted on residential sites and shall comply with the provisions of Sec. 36.12.60.

~~b.c.~~ **Residential and mixed-use projects.** New residential and mixed-use developments shall be designed and constructed in compliance with the following requirements:

DEVELOPMENT STANDARDS FOR RESIDENTIAL AND MIXED USE

Dwelling Unit Standards	The following standards apply to Multi-Family Housing: Standards for townhouse and rowhouse developments are listed separately in Sec. 36.16.10 and 36.16.20, respectively. See Zoning Calculations: Methods, Definitions and Clarifications handout for details.
Lot Area	20,000 sq. ft. minimum, except that lot sizes in townhouse and rowhouse developments approved through a PUD permit are listed separately in Sec. 36.16.10 and 36.16.20, respectively.
Lot Width	None.
Density	43 units per acre maximum.
Floor Area Ratio	1.35 maximum for office, retail and housing (office portion shall not exceed 0.35 FAR).

Setbacks	See Sec. 36.14.75 for exceptions to required setbacks for properties in the R2 district.	
	Front	5 ft. behind sidewalk minimum.
	Rear	15 ft. minimum, but not less than the height of the adjacent wall of the subject parcel (measured to top of wall plate).
	Sides	15 ft. minimum.
	Between Principal Structures	One-half (1/2) the sum of nearest opposing walls of the subject parcel (measured to top of wall plate).
Site Coverage	None.	
Pavement Coverage for Area Dedicated to Auto	25% of site; the zoning administrator may approve higher percentage in proportion to commercial in mixed-use development.	
Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	Maximum building height (to ridge): 45 ft.; Maximum wall height to top of wall plate: 35 ft. Except that buildings with commercial space may have a maximum building height (to ridge) of 50 ft.; lower building height may be required for portions of buildings adjacent to existing residential.	
Open Area	45%, including 40 sq. ft. of private open area per unit; the zoning administrator may approve reduced open area in proportion to commercial space in mixed-used development.	
Fences	Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.	
Personal Storage	80 sq. ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.	
Parking	See Article X (Parking and Loading).	

Signs for Commercial Uses in Mixed Use Development	See Sec. 36.36.50. (Signs). The zoning administrator may modify the sign regulations as appropriate for a development that includes residential uses.”
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Section 17. Chapter 36, Article IX, Division 5, Section 36.28.20, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.28.20. Child day-care facilities.

This section establishes standards for city review of child day-care facilities, in conformance with state law, including the limitations on the city’s authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this chapter and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

a. **Small and large family day-care homes.** Permitted within any single-family or multi-family residence dwelling located in a residential zone.~~b. Large family day-care homes. This use is allowed within any single family residence located in a residential zone subject to approval of a nondiscretionary conditional use permit per the provisions of Sec. 36.48.32. A nondiscretionary conditional use permit shall be granted if the zoning administrator determines that the proposed large family day-care home will comply with the standards in Subsection d.~~

~~e.b. Child day-care centers. Allowed in the zoning districts determined by Sec. 36.10.05 (Residential Zones), 36.18.05 (Commercial Zones), 36.20.05 (Industrial Zones), 36.22, 36.24, 36.24.35, 36.26, and 36.26.35 (Special Purpose Zones), subject to conditional use permit approval (Sec. 36.48), and the standards in following subsection d. following: d.—Standards for child-care facilities. Large family day-care homes and child day-care centers are subject to the following standards:~~

1. **Spacing/concentration.** No residential property shall be bordered on more than one (1) side by a child day-care facility.

2. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day-care home may serve as its drop-off area. Adequate drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or does not create circulation problems in parking lots.

3. **Adjacent uses.** The proposed site shall not be located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.

4. **Outdoor play areas.** Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.

5. **Development review approval.** Development review approval shall be required as provided in City Code Sec. 36.44.45.”

Section 18. Chapter 36, Article X, Division 3, Section 36.32.50, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.32.50. Required number of parking spaces.

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

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

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

REQUIRED PARKING BY LAND USE

Land Use Type	Vehicle Spaces Required	Bicycle Spaces Required
Manufacturing and General Industrial		
Manufacturing and industrial, general	1 space for each 250 sq. ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use	5 percent of vehicle spaces
Recycling facilities	Space shall be provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time	None
	One employee parking space shall be provided on-site for each commercial vehicle operated by the processing center	5 percent of vehicle spaces
Recreation, Education, Public Assembly Uses		
Child day-care centers	1 space for each employee, plus 1 space for every 15 children for visitor parking and drop-off areas	2 percent of vehicle spaces
Large family care homes	1 space for each employee	
Churches, mortuaries	1 space for each 170 sq. ft. of gross floor area	5 percent of vehicle spaces for churches; 2 spaces for mortuaries
Indoor recreation and fitness centers		
Arcades	1 space for each 200 sq. ft. of gross floor area	5 percent of vehicle spaces
Bowling alleys	Parking study required	
Dance halls	Parking study required	None
Health/fitness clubs	1 space for each 200 sq. ft. of gross floor area	5 percent of vehicle spaces

Libraries and museums	Parking study required		5 percent of vehicle spaces
Membership organizations	1 space for every 3.5 fixed seats		5 percent of vehicle spaces
Pool and billiard rooms	2.5 spaces for each table		5 percent of vehicle spaces
Schools	Parking study required		Parking study required
Studios for dance, art, etc.	1 space for each 2 students		5 percent of vehicle spaces
Tennis/racquetball courts	Parking study required		5 percent of vehicle spaces
Theaters and meeting halls	1 space for every 3.5 fixed seats		5 percent of vehicle spaces
Residential Uses			
Accessory Dwelling Units (See Sec. 36.12.60)	1 space per unit except if compliant with Sec. 36.12. 90.75 .		None
<u>Junior Accessory Dwelling Unit</u>	<u>None</u>		<u>None</u>
Multi-family dwellings	Studio unit	1.5 spaces per unit, 1 space shall be covered	1 space per unit (refer to Sec. 36.32.85.a.1)
	1-bedroom unit less than or equal to 650 square feet	1.5 spaces per unit; 1 space shall be covered	
	1-bedroom unit greater than 650 square feet	2 spaces per unit. 1 space shall be covered.	
	2+bedrooms or more	2 spaces per unit, 1 space shall be covered.	

	Guest	15 percent of the parking spaces required for the project shall be conveniently located for guest parking. The zoning administrator may increase the parking requirement to 2.3 spaces per unit if needed to ensure adequate guest spaces	1 space per 10 units
Rooming and boarding houses	Parking study required		Parking study required
Senior congregate care housing	1.15 spaces per unit; half the spaces shall be covered		2 percent of vehicle spaces
Senior care facility	Parking study required		Parking study required
Single-family housing and each dwelling unit in a duplex (See Sec. 36.10.15 – Single-Family; See Sec. 36.10.50 for unit in duplex)	2 spaces, 1 of which shall be covered		None
Single-room occupancies	1 space per dwelling unit; plus 1 for every nonresident employee. Reduction of up to 0.50 space per unit may be granted through the conditional use permit process		1 space per 10 units
Small-lot, single-family developments	2 spaces, one of which shall be covered, and 0.50 guest space per unit		None
Townhouse developments	Per unit	2 spaces, one shall be covered.	1 space per unit
	Guest	Guest parking shall equal in total an additional 0.6 space for each unit, for an aggregate ratio of 2.6 spaces for each unit.	

Rowhouse developments	Studio unit	1.5 spaces per unit, 1 space shall be covered.	1 space per unit
	1-bedroom or more	2 covered spaces.	
	Guest	Guest parking shall equal in total an additional 0.3 space for each unit.	
Retail Trade			
Auto, mobile home, vehicle and parts sale	1 space for each 450 sq. ft. of gross floor area for showroom and office, plus 1 space for each 2,000 sq. ft. of outdoor display area, plus 1 space for each 500 sq. ft. of gross floor area for vehicle repair, plus 1 space for each 300 sq. ft. of gross floor area for the parts department		5 percent of vehicle spaces
Furniture, furnishings and home equipment stores	1 space for each 600 sq. ft. of gross floor area		5 percent of vehicle spaces
Plant nurseries	Parking study required		Parking study required
Restaurants, cafés, bars, other eating/drinking places			
Take-out only	1 space for each 180 sq. ft. of gross floor area		
Fast food (counter service)	1 space for each 100 sq. ft.; minimum 25 spaces		5 percent of vehicle spaces
Table service	1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater		
Outdoor seating	1 space for each 2.5 seats		
Retail stores			
General merchandise	1 space for each 180 sq. ft. of gross floor area		5 percent of vehicle spaces
Warehouse retail	Parking study required		Parking study required
Service stations	1 space for each 180 sq. ft. of gross floor area		None

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

Section 19. Chapter 36, Article XVI, Division 6, Section 36.48.32, of the Mountain View City Code is hereby amended to read as follows:

SEC. 36.48.32. Nondiscretionary conditional use permits.

a. The zoning administrator may approve a nondiscretionary conditional use permit for ~~large family day care and~~ safe parking uses. A nondiscretionary conditional use permit shall evaluate the uses based on the standards listed in Sec. 36.28.20 and Sec. 36.32.10 and shall be issued if the zoning administrator determines that the proposed use complies with the standards subject to the findings listed in Sec. 36.48.25.

b. Public noticing for nondiscretionary conditional use permits shall require a mailed public notice to all property owners and tenants within seven hundred fifty (750) feet of the site a minimum of fourteen (14) days prior to the date of zoning administrator's decision on the permit. No public hearing shall be held unless requested in writing by the applicant or other affected person prior to a decision on the permit.

Section 20. Chapter 36, Article XVI, Division 10, Section 36.50.35, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.50.35. Purpose.

The planned community (PC) permit allows new construction, redevelopment or changes of use within the planned community district that comply with the special land use and project development standards of the applicable precise plan or that were specified at the time of rezoning to or amendment of the P district.

The planned community permit process provides the opportunity for applicants to propose creative, innovative developments within a context of defined community goals and objectives and a basic development envelope established by a precise plan, ~~while also providing~~ and also allowing for variations from the standards, while protecting the integrity and character of the precise plan area. The PC permit provides for a comprehensive analysis of project-related impacts and careful public review of such developments, while allowing for creativity and flexibility provided that ~~to ensure~~ the proposals are consistent with community objectives and in substantial compliance with the applicable precise plan."

Section 21. Chapter 36, Article XVI, Division 10, Section 36.50.40, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.50.40. Applicability.

a. A planned community permit shall be required within a planned community district prior to:

1. ~~A~~any new development or redevelopment; ~~or~~

2. Eestablishment of any use listed as “provisional” within the applicable precise plan; or

3. ~~A~~any development or addition to an existing development that varies from the development standards of the applicable precise plan. ~~A~~ planned community permit may be granted by either the zoning administrator or the city council.

b. Minor alterations to the exterior of an existing building, signs and minor alterations to paved or landscaped areas that are consistent with the existing development of the property and of surrounding properties may be approved or disapproved by the zoning administrator through the development review process.

Section 22. Chapter 36, Article XVI, Division 10, Section 36.50.55, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.50.55. Findings.

Following a public hearing, the zoning administrator shall issue written findings or forward a recommendation to the city council with the findings upon which the recommendation is based. These written findings shall be mailed to the applicant and property owners. The zoning administrator may approve, or recommend for approval, a planned community permit if all the following findings are made:

a. The proposed use or development is consistent with the provisions of the applicable precise plan; ~~or~~, if no precise plan exists for the subject area, the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments; or if variations from requirements in the applicable precise plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the intent of the requirements in the applicable precise plan;

b. The proposed use or development is consistent with the general plan;

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience or welfare;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area; and

e. The proposed project complies with the California Environmental Quality Act (CEQA).”

Section 23. Chapter 36, Article XVII, Division 2, Section 36.60.05, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.05. Definitions - “A”

Accessory dwelling unit (ADU). An attached or detached one (1) story residential dwelling unit that provides complete, independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the existing or proposed single-family or multi-family dwelling. A secondary dwelling unit located on the same parcel of land as a primary dwelling unit which meets the requirements described in Sec. 36.12.70 of this Chapter. An accessory dwelling unit can be constructed entirely within the existing and legally created space of a single-family home or accessory structure in the R1 District. “Accessory Structures” are separately defined in this chapter. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory retail uses. The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of a health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory structure, open. An accessory structure with no building walls or features that effectively enclose space, that may contain a roof, such as trellises or arbors.

Accessory use or structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the City of Mountain View Disaster Container Guidelines.

Adult entertainment establishment. “Adult entertainment establishment” means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of “Adult entertainment enterprise,” “Adult bookstore,” “Adult motion picture theater,” “Adult cabaret” and “Adult theater” contained in Sec. 26.52 shall govern.

Agent of owner. Any person who can show written authority that he/she is acting for the property owner.

Agriculture. The principal use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries and animal husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and, provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley or lane. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Animal service establishment. Any commercial business providing services and care to animals, including, but not limited to, pet day care, pet hotel, kennel, veterinary clinic, animal hospital, and pet grooming. Does not include retail pet stores (see “Retail stores, general merchandise”) and exempts private animal kennels in accordance with Chapter 5 of the City Code.

Antennas, communications facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone and data network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

a. Home television and radio receiving antennas, including noncommercial satellite dish antennas for home use, which are included under “Residential accessory uses.”

b. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections with no wireless component(s), which are included under “Pipelines and utility lines.”

Apartment. A dwelling unit in a multi-family building.

Auto, mobile home, vehicle and parts sales. Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under “Retail stores, general merchandise”). Also includes stores selling new automobile parts, tires and accessories (does not include tire recapping establishments, which are found under “Repair and maintenance – vehicle”), as well as businesses dealing in used automobiles exclusively. May include an open lot for display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under “Recycling – scrap and dismantling yards.” Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include “Service stations,” which are separately defined.

Automatic teller machine (ATM). A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.

Automobile repair, major. All repair and servicing or maintenance work not provided for under “Automotive repair, minor,” including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one-half (1-1/2) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.

Automobile repair, minor. The general servicing and maintenance of passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "Automotive repair, major."

Automobile wrecking. The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts."

Section 24. Chapter 36, Article XVII, Division 2, Section 36.60.09, of the Mountain View City Code is hereby amended to read as follows:

SEC. 36.60.09. Definitions - "C"

Camp car. A vehicle with or without motive power that is designed or used for human habitation.

Camper. A structure intended for human habitation that is designed to be carried in the cargo space of a separate motor vehicle when in use.

Cannabis. All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis mderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means cannabis as defined by Business and Professions Code Sec. 26001, Subdivision f, Health and Safety Code Sec. 11018, and by other state law.

Cannabis business. The activity of any natural or legal person, business or collective in the city relating to cannabis, including, but not limited to, transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (including both wholesale and retail sales) of cannabis, cannabis products, or any accessories for the use of cannabis or cannabis products, whether or not carried on for gain or profit, whether for medical or recreational use, and whether or not such business is licensed by the state. A cannabis business does not include any business the only relationship of which to cannabis or cannabis products is the production or sale of cannabis accessories.

Cannabis business, delivery. The transfer for any form of compensation of cannabis or cannabis products to a customer or caregiver at a location that is not a cannabis business.

Cannabis business, nonstorefront retail. A cannabis business that closed to the public and conducts sales exclusively by delivery. Also referred to as “nonstorefront retail” or “nonstorefront retail cannabis business.”

Cannabis business, owner. An owner is any person having more than a ten percent (10%) interest, legal or equitable, or otherwise, in a cannabis business.

Cannabis business, premises. Each building, or the portion of any building, where the cannabis business is located, including any site.

Cannabis business, storefront retail. A cannabis business that is open to the public to sell cannabis and cannabis products directly to customers. The primary use of the storefront retail business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also referred to as “storefront retail” or “storefront retail cannabis business.”

Cannabis business, transport. All activity involved in the movement of cannabis from one (1) location to another, including, but not limited to, loading, shipping and receiving. Transport does not include delivery to a qualified patient, caregiver or individual cannabis user age twenty-one (21) or older.

Cannabis business, qualified cannabis business list. A list of cannabis business applications eligible to submit planning applications at the discretion of the zoning administrator and pursuant to Sec. 36.30.85. Applications are placed on the list in the order chosen by the cannabis business application selection lottery. The list shall be maintained by the zoning administrator and effective until such time as the maximum number of cannabis businesses permitted by Sec. 36.30.55.b. has received occupancy in the application period determined by the zoning administrator.

Cemeteries, columbariums and mortuaries. Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

Child-care centers. A commercial or nonprofit facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. This includes infant centers, preschools, sick-child centers and school-age child-care facilities

but does not include small- and large-family child-care homes. Child-care centers may be operated in conjunction with a school or church facility or as an independent land use.

Child-care facilities. A facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. Child-care facilities include small-family child-care homes, large-family child-care homes and child-care centers. Child-care facilities are required to be licensed by the California State Department of Social Services.

a. **Small-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision for up to ~~six-eight~~ (68) children for periods of less than twenty-four (24) hours per day. Children under the age of ten (10) years who reside at the residence are counted in the ~~six-eight~~ (68) children maximum for small-family child-care homes.

b. **Large-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision of seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours. Children under the age of ten (10) years who reside in the residence are included in the number of children served by the large-family child-care home.

Churches. Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.

City council. The city council of the City of Mountain View, California.

Commercial coach. A vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Commission or planning commission. The environmental planning commission of the City of Mountain View, California.

Community center. Multi-purpose meeting, banquet and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, kitchen and/or

outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community development director. The director of the community development department of the City of Mountain View.

Community service organization. Any organization, group, society, corporation, institution or other entity, organized solely for religious, charitable, educational, scientific or literary purposes, no part of the net earning of which benefits any private stockholder or individual.

Construction contractors (contractor's yard). Storage yard operated by, or on behalf of, a contractor licensed by the State of California for storage of large equipment, vehicles or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Convalescent hospital. See "Medical services—extended care."

Cottage food operation. An operation as defined in Health and Safety Code §113758, and as may be amended, which maintains a valid business license with the City of Mountain View and is registered and/or permitted by the County of Santa Clara Department of Environmental Health.

Court. An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Crop and tree farming. The use of land for horticultural uses."

Section 25. Chapter 36, Article XVII, Division 2, Section 36.60.23, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.60.23. Definitions - "J"

Junior accessory dwelling unit. A unit that is no more than five hundred (500) square feet in size, includes an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets, is contained entirely within the walls of a primary dwelling and may include separate sanitation facilities or may share sanitation facilities with the primary dwelling.

Junkyard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged

house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.”

BW/5/ORD
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