

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING SECTIONS OF CHAPTER 36
(ZONING ORDINANCE) OF THE CITY CODE TO UPDATE
ACCESSORY DWELLING UNIT REGULATIONS TO ALIGN WITH STATE LAW

WHEREAS, the City Council of the City of Mountain View has reviewed and considered the September 16, 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;

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

Section 1. Council Findings. On September 16, 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 October 27, 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with the land-use policies and action plan of the 2030 General Plan because they update the Zoning Ordinance to address outdated or inconsistent policies with legislative updates by the City, State, or Federal agencies; and

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 to remain enforceable; and

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

d. The action to modify Chapter 36 for updates to the Zoning Text is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an accessory dwelling unit ordinance to implement the provisions of Section 65852.2 of the Government Code. In addition, the action being considered does not constitute a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as these changes have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in 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-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-

lattice 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.

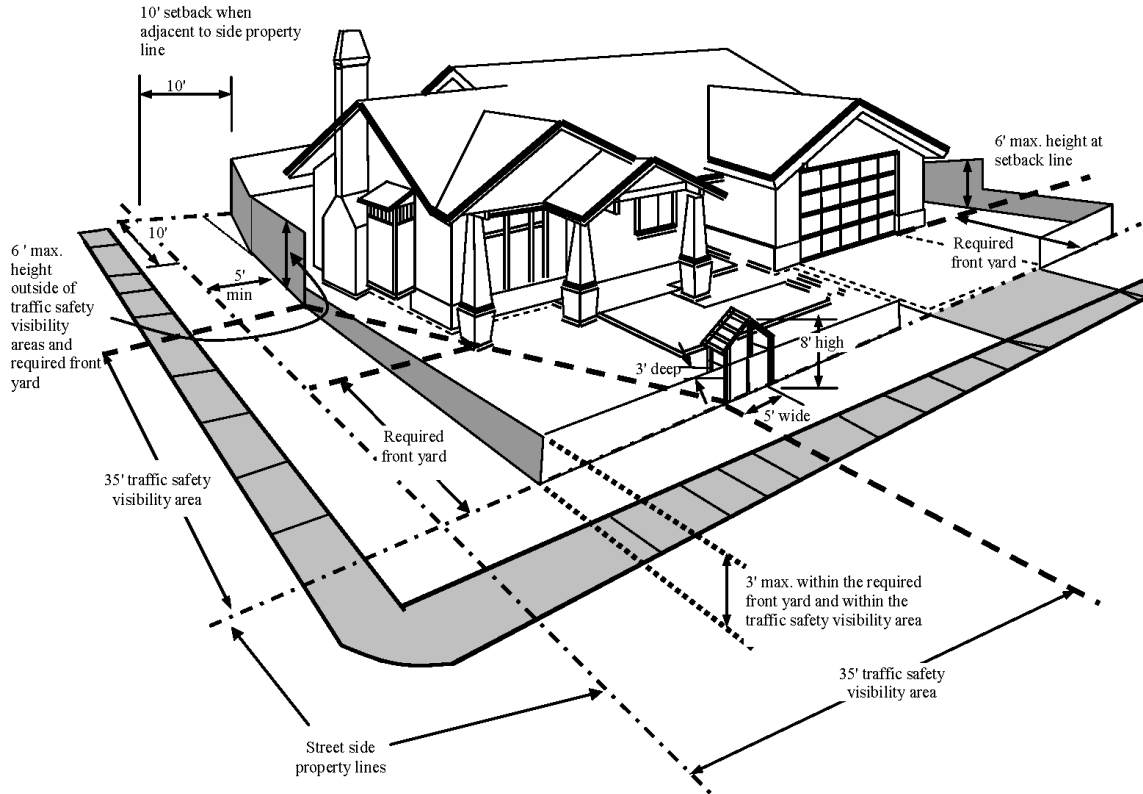
2. Corner lots.

(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-lattice 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, shall be designed in compliance with Sec. 36.12.60 through Sec. 36.12.120.

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

Section 3. Chapter 36, Article IV, Division 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	P	P	P	P	36.12.60
Junior Accessory Dwelling Unit	P	P	P	P	P	36.12.60
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	

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	
Recreational Vehicle (RV) Parks				CUP		
Safe Parking ¹	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	
SERVICES						
Cemeteries, Columbariums (with Church)	CUP	CUP	CUP	CUP	CUP	36.28.15
Medical Services, Extended Care			CUP	CUP	CUP	
Offices, Property Management		CUP	P	P	P	
Offices, Temporary Real Estate	TUP	TUP	TUP	TUP	TUP	36.46
Parking Lots, Not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	36.46

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

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

Section 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. Accessory dwelling units and junior accessory dwelling units.

Sec. 36.12.60 through Sec. 36.12.120 establish standards for accessory dwelling 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. Accessory dwelling unit and junior accessory dwelling unit definitions.

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

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

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

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

Multi-family dwelling structure. A residential structure or group of attached structures with two (2) or more dwelling units, including, but not limited to, duplexes,

triplexes, fourplexes, apartments, condominiums, rowhouses and townhouses. Multi-family dwelling structures are designed such that multiple families are living independently of each other.

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

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

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

Section 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. Findings.

As required by Government Code § 65852.2, the city finds that accessory dwelling units and junior accessory dwelling units are residential uses that are consistent with the allowable density, with the general plan, and zoning designation for the site, provided the units are located on properties zoned to allow single-family or multi-family dwelling residential uses.”

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. 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 an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on a lot, the city shall not take final action on the application for the accessory dwelling unit or junior accessory dwelling unit until the application for the new single-family dwelling is approved.

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

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. Maximum number of units.

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

MAXIMUM NUMBER OF UNITS

Single-family residential site	Accessory dwelling unit	One (1) unit.
	AND	
	Junior accessory dwelling unit	One (1) unit.
Multi-family residential site	Multi-family interior units	Up to twenty-five (25) percent of the number of existing multi-family units in the building, but at least one (1) unit.
	AND	
	Detached units (new construction)	Two (2) units.”

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 single-family accessory dwelling units.

Except as provided in Sec. 36.12.100(b), an accessory dwelling unit is only allowed on a single-family residential site subject to the following requirements. All requirements of the underlying zoning district shall apply unless they are in conflict with this section.

SINGLE-FAMILY ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.	
Gross floor area	Maximum: 850 square feet of habitable floor area for one bedroom or fewer, and 1,000 square feet for two bedrooms or more.	
Setbacks	Front	Consistent with requirements of the underlying zone.
	Side	4 ft. minimum.
	Rear	4 ft. minimum.
Height limit	First-story unit	16 ft. maximum building height.
	Second-story unit	28 ft. maximum building height. The accessory dwelling unit must be contained within one story.
Required Parking Spaces	No bedrooms	None.
	One or more bedrooms	One space (covered or uncovered), which can be provided in a garage or carport or as tandem parking in a driveway. No parking is required if the accessory dwelling unit meets the provisions of Sec. 36.12.100.
Entrances	Shall have a separate entrance from the primary dwelling unit."	

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. Provisions applicable to multi-family accessory dwelling units.

Except as provided in Section 36.12.100(b), accessory dwelling unit(s) may be permitted on a multi-family residential site subject to the following requirements.

MULTI-FAMILY ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.		
Setbacks	Detached unit	Front	Consistent with the required setbacks of the underlying zoning district.
		Side	4 ft. minimum.
		Rear	4 ft. minimum.
Height limit	Detached unit	16 ft. maximum building height.	
Required Parking Spaces	None.”		

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. Provisions applicable to junior accessory dwelling units.

A junior accessory dwelling unit may be permitted on a single-family residential site subject to the following requirements.

JUNIOR ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.
Gross floor area	Maximum: 500 square feet of habitable floor area.
Location of unit	Must be contained entirely within the walls of a single-family dwelling.
Required Parking Spaces	None.
Entrances	A junior accessory dwelling unit may, but does not need to, have a separate entrance from the primary dwelling unit.
Owner Occupancy	One (1) of the dwellings on the property must be occupied by at least one (1) legal owner of the property, unless the property is owned by a governmental agency, land trust or housing organization.

<p>Deed Restriction</p>	<p>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, 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 property, unless the property is owned by a governmental agency, land trust or housing organization.”</p>
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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. 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, carport or covered parking structure 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. An attached or detached accessory dwelling unit no more than eight hundred (800) square feet in size, with height no greater than sixteen (16) feet, and minimum side and rear setbacks of four (4) feet shall be permitted regardless of any development standard that would prevent construction of the unit, including, but not limited to, limits on lot coverage, floor area ratio, open space or detached accessory dwelling unit location.

2. An expansion of no more than one hundred fifty (150) square feet of an existing accessory structure to accommodate ingress and egress shall be allowed when an accessory dwelling unit is otherwise within the existing space of an accessory structure or within the existing space of an existing single-family dwelling.

3. The height and setback standards listed in Sec. 36.12.85 do not apply to accessory dwelling units located entirely within a single-family dwelling, nonlivable space of a multi-family dwelling structure, or accessory structure; or in the place of and to the same dimensions as an existing accessory structure. The side and rear setbacks must be sufficient for fire and safety."

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. Sale of units.

Accessory dwelling units and junior accessory dwelling units may be rented independently of the primary single-family dwelling or multi-family dwelling structure, but may not be sold or conveyed separately from the primary dwelling(s) on the lot."

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. Short-term rentals.

Short-term rentals with a term thirty (30) days or shorter are prohibited in: all junior accessory dwelling units; all accessory dwelling units of eight hundred (800) square feet or less; single-family interior units; detached units created under Sec. 36.12.100.b.1; multi-family interior units; and detached units on multi-family residential sites."

Section 15. Chapter 36, Article IV, Division 10, Section 36.12.115 of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.115. Fire sprinklers.

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

Section 16. Chapter 36, Article IV, Division 10, Section 36.12.120 of the Mountain View City Code is hereby added to read as follows:

“SEC. 36.12.120. 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 17. 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 city 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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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	
Studios for dance, art, music, photography, martial arts, etc.	CUP	CUP	CUP	P	
Theaters				CUP	
RESIDENTIAL					
Accessory dwelling unit				P	36.18.50, 36.12.60
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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	
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	

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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					
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	36.44.45
Conditional use, Conditional Use Permit required	CUP	36.48
Temporary use, Temporary Use Permit required	TUP	36.46
Use not allowed		(Blank)
See Article XVII for definitions of land uses”		

Section 18. Chapter 36, Article V, Division 6, 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 Sec. 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 through 36.12.120.
- 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 19. 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, detached, multi-family interior or single-family interior 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 dwelling or existing multi-family dwelling. “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 20. 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 single-family dwelling and may include separate sanitation facilities or may share sanitation facilities with the single-family 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.”

Section 21. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 22. 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 23. 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.

BW/4/ORD
840-10-27-20o