

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING SECTIONS OF CHAPTER 36 (ZONING) OF THE CITY CODE TO ELIMINATE LOT AREA
AND LOT WIDTH MINIMUMS IN THE RESIDENTIAL HIGH-DENSITY (R4) ZONING DISTRICT FOR
100% AFFORDABLE HOUSING DEVELOPMENTS THAT RECEIVE AUTHORIZATION THROUGH THE
CITY NOTICE OF FUNDING AVAILABILITY PROCESS; ALLOW RESIDENTIAL MIXED-USE VILLAGE
CENTER DEVELOPMENT WHERE THE GENERAL PLAN LAND USE DESIGNATION ALLOWS
RESIDENTIAL USES ON SITES WITHIN THE COMMERCIAL NEIGHBORHOOD (CN) AND
COMMERCIAL SERVICES (CS) ZONING DISTRICTS; AND ESTABLISH DEFINITIONS, PROCEDURES,
AND STANDARDS FOR SUCH GENERAL PLAN MIXED-USE VILLAGE CENTER DEVELOPMENT

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

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

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on December 7, 2022 and recommended the City Council approve the amendments to Chapter 36 in this Ordinance with a modification to allow waivers to General Plan Mixed-Use Village Center standards if they physically constrain the residential floor area allowed in the General Plan; and

WHEREAS, the City Council held a public hearing on January 24, 2023 on this Ordinance and received and considered all evidence presented at said hearing regarding the amendments to Chapter 36, including the recommendation from the Environmental Planning Commission, City Council report, project materials, testimony, and written materials submitted;

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

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

a. The proposed amendments are consistent with the General Plan because they address inconsistencies between the 2030 General Plan and Zoning Ordinance by updating the Zoning Ordinance to allow for residential uses in commercial areas that were identified in the General Plan's Village Center Strategy, establish development standards for such Mixed-Use Village Centers, and further promote General Plan policies by locating retail and neighborhood-serving uses near residents in accessible neighborhood centers; and eliminate standards for

100% affordable housing developments to encourage residential developments that serve a range of households of different incomes;

b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the proposed amendments will facilitate development of 100% affordable housing throughout the City regardless of land use control standards on certain lot configurations; and establish Mixed-Use Village Center standards to ensure that the design of the proposed developments are compatible with the developments in their vicinity without reducing the allowed density;

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

d. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because an Environmental Impact Report (EIR) was prepared for the Housing Element Update and associated zoning amendments, which EIR was considered, certified, and adopted by the City Council by separate resolution on January 24, 2023, all in conformance with CEQA, prior to approval and adoption of this Ordinance.

Section 2. Chapter 36, Article IV, Division 6, Section 36.12.10 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.12.10 - R4 zone development standards.

The following are minimum standards for development within the R4 zoning district. In addition to the following requirements, multi-family buildings in the R4 zone will also be reviewed in the context of the R4 standards and guidelines. See Sec. 36.16 for small-lot, single-family developments; Sec. 36.16.10 for townhouse developments; and Sec. 36.16.20 for rowhouse developments.

R4 ZONE DEVELOPMENT STANDARDS

Criteria	<p>Primary Criteria required for sites that apply for R4 zoning: (1) cannot be contiguous with R1 or R2 zones; (2) minimum site size of at least 1 acre, <u>except for one hundred (100) percent affordable developments that receive authorization (and reservation of funding allocation) through the city notice of funding availability (NOFA) process</u>; and (3) allowed across the street from R1 zones, only when the street right-of-way is between 80 feet. to <u>and</u> 135 feet. in width.</p> <p>Secondary Criteria to be considered for sites that apply for R4 zoning: See R4 guidelines.</p>
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Dwelling Unit Types	The following standards apply to multi-family housing. Standards for small-lot, single-family developments, townhouse developments, and rowhouse developments are listed separately in Sec. 36.16, Sec. 36.16.10 , and Sec. 36.16.20 , respectively. The R1 standards (Sec. 36.10.25) apply when there is only one single-family dwelling on a lot, and the R2 standards (Section 36.10.50) apply when there is a duplex or two detached single-family dwellings on a lot.	
Lot Area	Project area—1-acre minimum, except for one hundred (100) percent affordable developments that receive authorization (and reservation of funding allocation) through the city NOFA process . Individual lots in small-lot, single-family, townhouse and rowhouse developments approved through a PUD permit may be smaller.	
Lot Width	160 feet minimum, except for one hundred (100) percent affordable developments that receive authorization (and reservation of funding allocation) through the city NOFA process .	
Lot Frontage	As provided above for lot width, except that lots on cul-de-sacs or curved portions of streets may have a minimum frontage of 35 feet .	
Density	80 units per acre maximum.	
Floor Area Ratio	1.40 maximum for projects that are equal to or under 40 units per acre; 1.95 maximum for projects between 41 and 50 units per acre; or 2.30 maximum for projects that are between 51 and 60 units per acre.	
Setbacks	See Sec. 36.12.35 for setbacks applicable to accessory structures, Sec. 36.14.75 for exceptions to required setbacks for properties subject to R1 or R2 development standards.	
	Front	15 foot minimum.
	Side	1 to 2 stories—10 foot minimum; 3 stories—15 foot minimum.
	Street Side	15 foot minimum.
	Rear	15 foot minimum.

Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	Maximum building height (to ridge): 62 feet ; and Maximum wall height: 52 feet .	
	Under certain circumstances subject to design review (see R4 guidelines): Maximum building height (to ridge): 70 feet ; and Maximum wall height: 60 feet .	
	Across the street from R1 zones	40 foot maximum wall height at the facade, with upper floors set back 10 feet from the facade; Maximum wall height of 52 feet ; and Maximum building height (to ridge): of 62 feet .
Open Area	30% of site, minimum.	
	Private Open Space	Average of 40 sq- uare feet per unit; and Minimum area shall be 40 sq- uare feet , where provided.
Personal Storage	Minimum of 80 sq- uare feet enclosed and secured storage area for bulky personal effects (such as recreational equipment).	
Parking	See Article X (Parking and Loading).	
Signs	See Article XII (Signs)."	

Section 3. 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 ~~e~~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 ~~e~~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	Notes
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	Notes
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	Notes
Multi-family housing, townhouses, rowhouses or mixed-use commercial/housing				CUP	36.18.50
<u>General plan mixed-use village center (only where identified in the general plan)</u>	<u>CUP</u>	<u>CUP</u>			<u>36.30.110</u> <u>36.30.115</u>
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	Notes
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	
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	

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	Notes
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	Notes
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 4. Chapter 36, Article IX, Division 23, Sections 36.30.110 and 36.30.115 of the Mountain View City Code are hereby added to read as follows:

“DIVISION 23.
GENERAL PLAN MIXED-USE VILLAGE CENTER DEVELOPMENTS.

SEC. 36.30.110 - General plan mixed-use village centers—Purpose and applicability.

General plan mixed-use village centers implement general plan goals and policies to encourage walkable centers with a mix of accessible retail and other uses in key areas. They shall include neighborhood-serving commercial uses, public plazas and walkable and accessible connections to surrounding neighborhoods.

In the CN and CS zones, residential development is only allowed as part of a mixed-use development in compliance with the standards of this Division and only on properties with a General Plan land use designation allowing residential uses, such as neighborhood mixed-use, general mixed-use or mixed-use corridor.

SEC. 36.30.115 - General plan mixed-use village center development standards.

All general plan mixed-use village centers shall be designed and constructed in compliance with the requirements of the following provisions:

<p><u>Allowed Residential Uses</u></p>	<p><u>Only multi-family residential uses (including condominiums) are allowed. Other uses are also allowed if typically allowed with multi-family development, including accessory dwelling units, junior accessory dwelling units, residential accessory uses and structures, supportive and transitional housing, small- and large-family day care, home occupations, residential care homes and rooming and boarding. The permit requirements of the R4 zone shall apply. Single-family homes, townhouses, rowhouses and any other residential use with individual private garages are prohibited.</u></p>	
<p><u>Neighborhood Commercial Floor Area</u></p>	<p><u>0.25 FAR, minimum, except this total can be reallocated among lots in a single village center through the development review process with the approval of all affected property owners.</u></p>	
	<p><u>Allowed Uses</u></p>	<p><u>Per the CN zoning district in Sec. 36.18.05.</u></p>
	<p><u>Ground-Floor Building Frontage (Storefront)</u></p>	<p><u>75% minimum of the building frontage facing the village center’s adjacent street with the highest average daily vehicle trips (other than Central Expressway) shall be neighborhood commercial storefront. Neighborhood commercial storefront is prohibited on streets less than 70 feet wide opposite R1 and R2 zones.</u></p>

	<u>Tenant Space to Accommodate Grocery Store</u>	<p><u>To ensure neighborhood access to daily goods, no existing tenant space of at least 15,000 square feet shall be reduced or demolished unless replaced with a tenant space of at least 15,000 square feet or unless the village center already contains a full-service grocery store or vacant tenant space of at least 15,000 square feet. As used in this Section, the term “existing tenant space” also includes any building area previously used as a single-tenant space.</u></p> <p><u>Over such tenant spaces, buildings shall be allowed 5 feet of additional height in addition to any other height allowances.</u></p>
<u>Maximum Density and FAR</u>	<p><u>Maximum floor area ratio (FAR) as identified by the general plan land use designation.</u></p> <p><u>Any building area provided to meet the required minimum neighborhood commercial floor area and its required minimum parking and loading will not reduce residential floor area allowed by this Section.</u></p>	
<u>Height Limits</u>	<p><u>See Sec. 36.08.30 for exceptions to height limits.</u></p> <p><u>Where the general plan allows greater than 1.6 FAR: 65 foot maximum.</u></p> <p><u>Where the general plan allows greater than 1.2 FAR and less than or equal to 1.6 FAR: 55 foot maximum.</u></p> <p><u>Where the general plan allows less than or equal to 1.2 FAR: 45 foot maximum.</u></p> <p><u>Wall plates at each floor of a building shall not be higher than the distance to an adjacent residentially zoned property.</u></p>	
<u>Setbacks</u>	<u>Street</u>	<p><u>15 foot minimum.</u></p> <p><u>10 feet of landscaping in front of parking, including trees.</u></p>

	<u>Rear and Sides</u>	<p><u>Not adjacent to residential zoning districts: 15 feet minimum, except side setbacks may be 0 feet when creating continuous neighborhood commercial storefronts within a single center.</u></p> <p><u>Adjacent to residential zoning districts: 25 feet minimum, including at least 5 feet landscaping along the property line with adequate root zone for large-canopy trees.</u></p>
<u>Open Area</u>	<u>30% of lot area, minimum. Portions of the lot with only nonresidential uses and associated parking may be excluded from the required open area calculation. If excluded from this calculation, nonresidential development areas on a lot shall provide landscape/open area, consistent with the underlying CN or CS zoning district, including applicable parking area landscaping requirements per Sec. 36.32.80.</u>	
<u>Publicly Accessible Open Space</u>	<u>At least one publicly accessible open space shall be provided, with a cumulative area equal to 5% of project lot area (minimum). Publicly accessible open space shall count toward compliance with the overall open area standard.</u>	
	<u>Location</u>	<u>Shall be adjacent to a public street. Projects are encouraged to locate publicly accessible open spaces adjacent to other sites in the same general plan village center to allow for expansion of public spaces over time.</u>
	<u>Minimum Dimensions</u>	<u>25 feet in all dimensions, minimum, except where the project lot area results in publicly accessible open space areas of less than 625 square feet.</u>
	<u>Dedication</u>	<u>The right of the public to access and use the open space shall be recorded against the property by an easement, covenant or restrictions subject to review and approval by the city attorney, and such right shall run with the land for the life of the development.</u>
<u>Personal Storage</u>	<u>A minimum of 164 cubic feet of personal storage shall be provided for each dwelling unit and shall be designed appropriately to accommodate a range of bulky items.</u>	

<p><u>Parking</u></p>	<p><u>Use multi-family and shopping center parking standards, except projects are encouraged to reduce parking by providing shared parking between residential and commercial uses (see Sec. 36.32.70).</u></p> <p><u>Along public streets and publicly accessible open spaces, parking structures shall be wrapped with neighborhood commercial tenant spaces or residential units.</u></p>
<p><u>Circulation</u></p>	<p><u>Developments shall maintain or establish mutual pedestrian access and shared parking within village centers.</u></p> <p><u>Developments shall establish new direct and publicly accessible pedestrian connections between neighborhood commercial uses, publicly accessible open spaces and surrounding neighborhoods. An exception may be granted if the zoning administrator determines the required connections are not feasible or meaningful (for example, if only backyards are adjacent to the site or if public streets already provide direct access).</u></p>
<p><u>Exceptions</u></p>	<p><u>Exceptions to the following standards will be allowed if the standard would physically prevent the construction of the residential floor area allowed in the general plan: up to half the required minimum neighborhood commercial floor area and ground-floor building frontage (storefront), height limits, rear and side setbacks (not adjacent to residential zoning districts), open area and/or personal storage. To be granted the exception, the project applicant shall provide reasonable documentation of the project’s physical constraints to demonstrate the need for the exception. Any reduction in development standards shall be no greater than what is reasonably necessary to physically construct the residential floor area, together with other mandatory components of the project as required by this Division.”</u></p>

Section 5. Chapter 36, Article XVI, Division 2, Section 36.44.65 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.44.65 - Development review procedures.

Preliminary development review through a preapplication conference (see Sec. 36.44.40) is encouraged prior to the formal submittal of an application. This informal review provides guidance to project proponents prior to preparation of detailed building designs and site plans for formal application submittal.

Formal development review is initiated when the department receives a complete application for development review. Development review can be a separate permit application

or part of a larger permit application as described in this Section. The zoning administrator shall have the overall authority to conduct development review, subject to appeal to the city council, but may refer applications to other community development department staff for review and issuance of permits. The development review process is administered at three (3) levels of evaluation: administrative, zoning administrator public hearings and council public hearings.

The zoning administrator or community development director may require that any application be reviewed through the more formal development review committee process.

a. **Administrative procedures.** Applications with complete materials for simple requests, in full compliance with this eChapter or applicable precise plans, requiring no site visits or review by other departments may be approved administratively without public notice or hearing. The zoning administrator may refer any administrative application to the development review committee for comment and recommendations. Typical projects that may qualify include the following:

1. New signs and change of copy on existing signs, which conform to a previously approved sign program;
2. New or amended sign programs;
3. Change of use in nonresidential zoning districts where the proposed use is principally permitted and the proposed parking is in compliance with this eChapter;
4. Temporary use permit for the sale of seasonal items, including Christmas trees and pumpkins, seasonal or temporary recreation uses, such as day camps, construction yards in conjunction with an approved construction project, mobile home(s) as part of a temporary work site for employees, homeless shelter for up to twenty-nine (29) people and not exceeding thirty-five (35) days, food kitchens and relief services, and similar type uses;
5. Minor facade modifications, including: adding or removing door(s), automated teller machines (ATMs) at an existing bank, handicapped-accessible ramps, roof equipment with screens, additions to single-family structures with nonconforming setbacks and minor architectural enhancements to multi-family structures which conform to approved plans;
6. Minor site plan modifications, including adding or changing: trash enclosures, bicycle lockers, utilities with minimal aboveground structures, satellite dish antennas, fences, landscaping and landscaping structures, such as arbors or gazebos and parking lots striping;
7. Fences which exceed six (6) feet in height, but do not exceed seven (7) feet in a residential zoning district, and where the applicant can provide letters of agreement from all adjacent property owners;

8. Facade modifications to multi-family, commercial and industrial structures, where less than one thousand (1,000) square feet of additional floor area is proposed;

9. Modification or minor additions to existing site plans and/or structures located in the planned community zoning district, as provided by Sec. 36.50.30.b or where the precise plan allows for minor modifications;

10. Development review associated with consideration of any new use, new construction or modifications within the neighborhood design (ND) and special design (SD) overlay zoning districts;

11. Development on sites with existing nonconforming structures (see Sec. 36.06.60);

12. Modifications to residential structures for reasonable accommodations (see Sec. 36.08.40);

13. Multi-family accessory structure(s); and

14. Permits for a street vendor or a sidewalk café within the downtown precise plan.

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

1. New construction and/or major remodeling or site plan modifications when in full compliance with the provisions of this [Chapter](#);

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

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

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

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

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

4. Development review associated with applications for variances, conditional use permits, temporary use permits and planned unit developments, including general plan mixed-use village center developments;

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

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

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

8. Public projects involving permanent new buildings.

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

Section 6. Chapter 36, Article XVII, Division 2, Section 36.60.17 of the Mountain View City Code is hereby amended to read as follows

“**SEC. 36.60.17. - Definitions—“G.”**

Garage or carport. A permanently constructed building, available for the parking of a motor vehicle, with covered roof, having inside dimensions not less than nine (9) feet wide and twenty (20) feet long with necessary paved area for access.

General plan (Mountain View). The general plan for the City of Mountain View, California, as amended, prepared in accordance with California Government Code Article 6 (Preparation, adoption and amendment of the general plan).

General plan mixed-use village center. A mixed-use development type with residential and neighborhood commercial uses to serve the surrounding neighborhood. This development type is primarily for areas identified in the general plan village center strategy as a mixed-use village center and where residential uses are not otherwise allowed.

Grade. The lowest point of the elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall.

Gross floor area. The floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.”

Section 7. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 8. 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 9. 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.

EY/6/ORD
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