

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

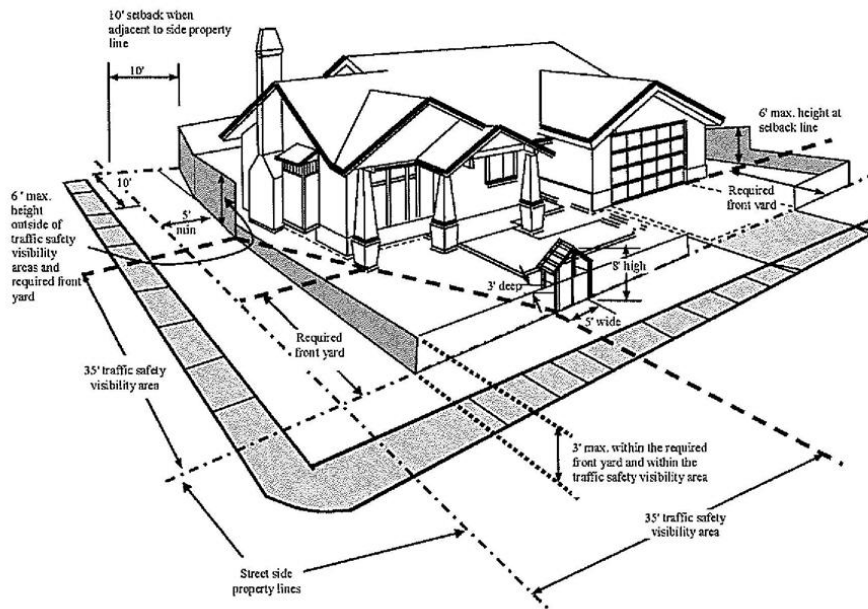
2. **Corner lots.**

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

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

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

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



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

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

ie. Irrigation. The installation of irrigation lines.

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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 36.10. - Purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 36.10.25. - R1 zone development standards.

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

R1 ZONE DEVELOPMENT STANDARDS

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

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

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

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

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

"SEC. 36.10.30. - Development review required.

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

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

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

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

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

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

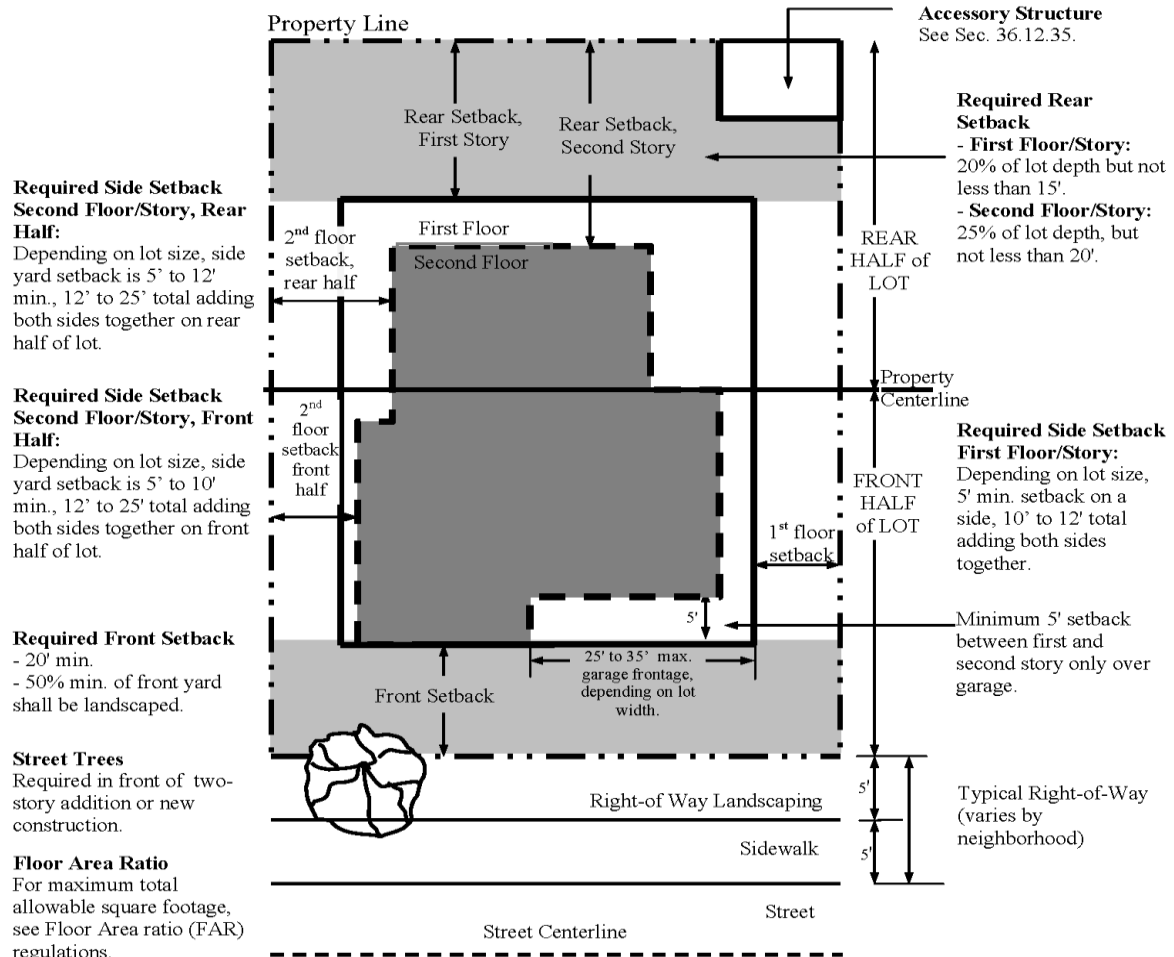
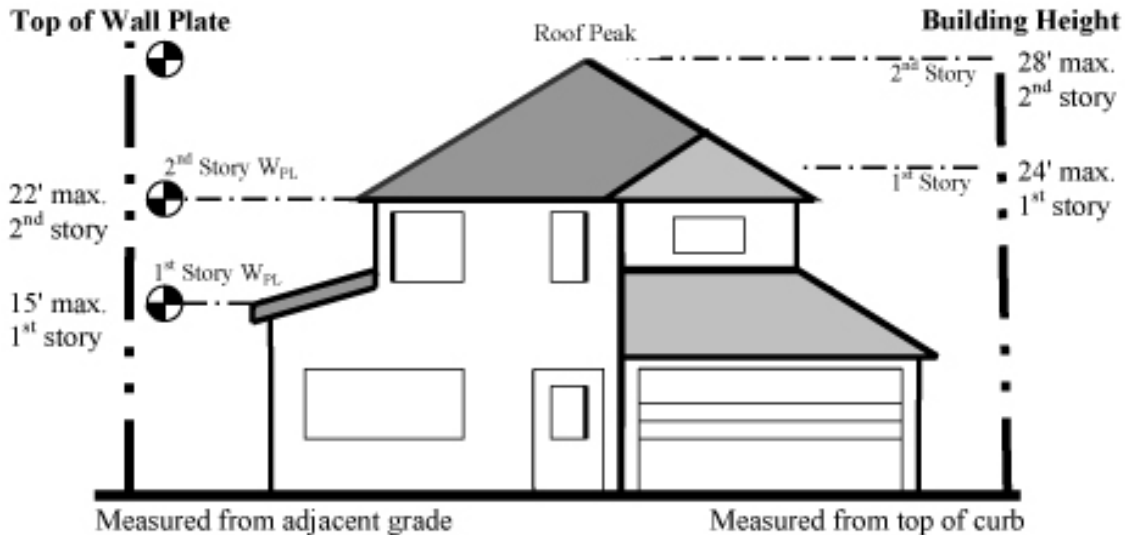


Figure 36.10-2
SINGLE-FAMILY HEIGHT LIMITS
(For Reference Only)



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

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

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

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

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

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

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

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

1. **All lots:**

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

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

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

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

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

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

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

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

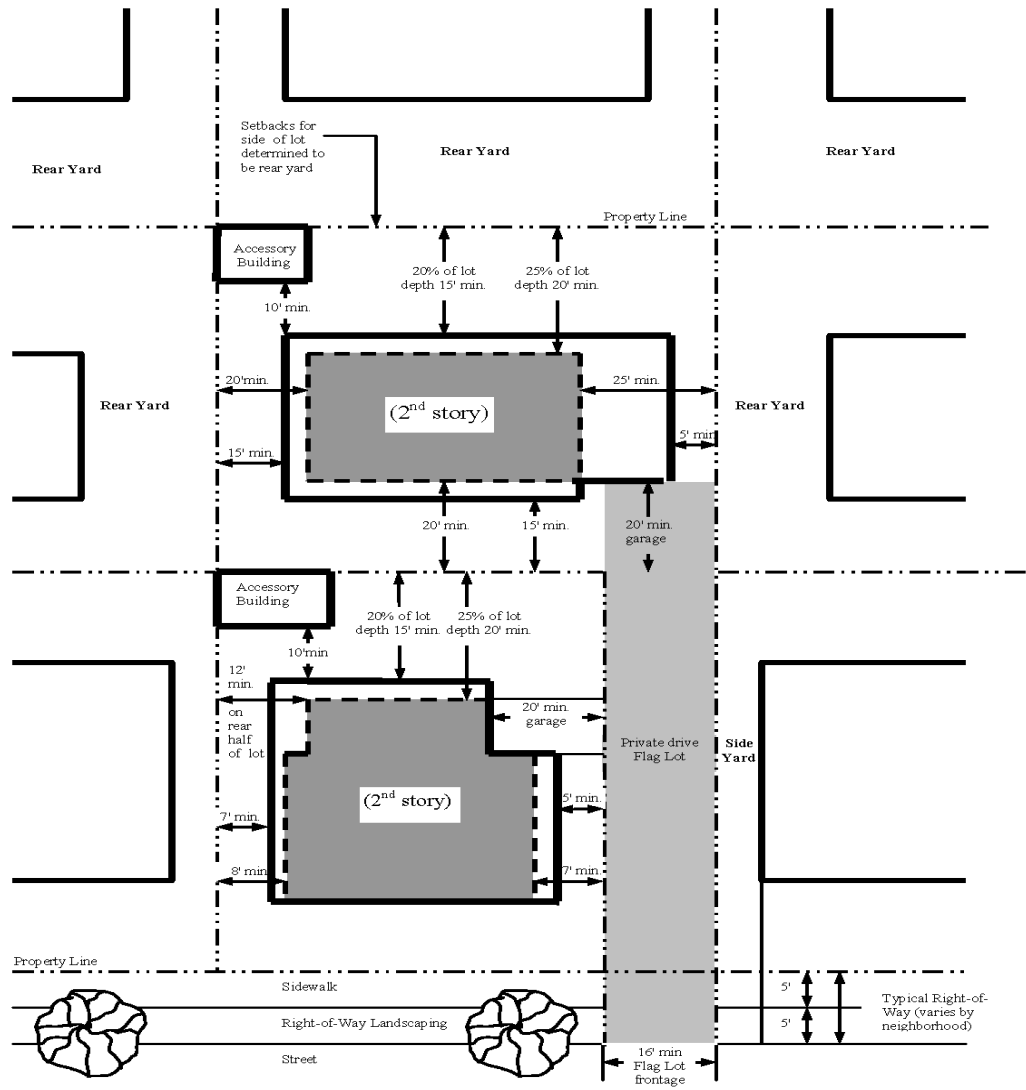
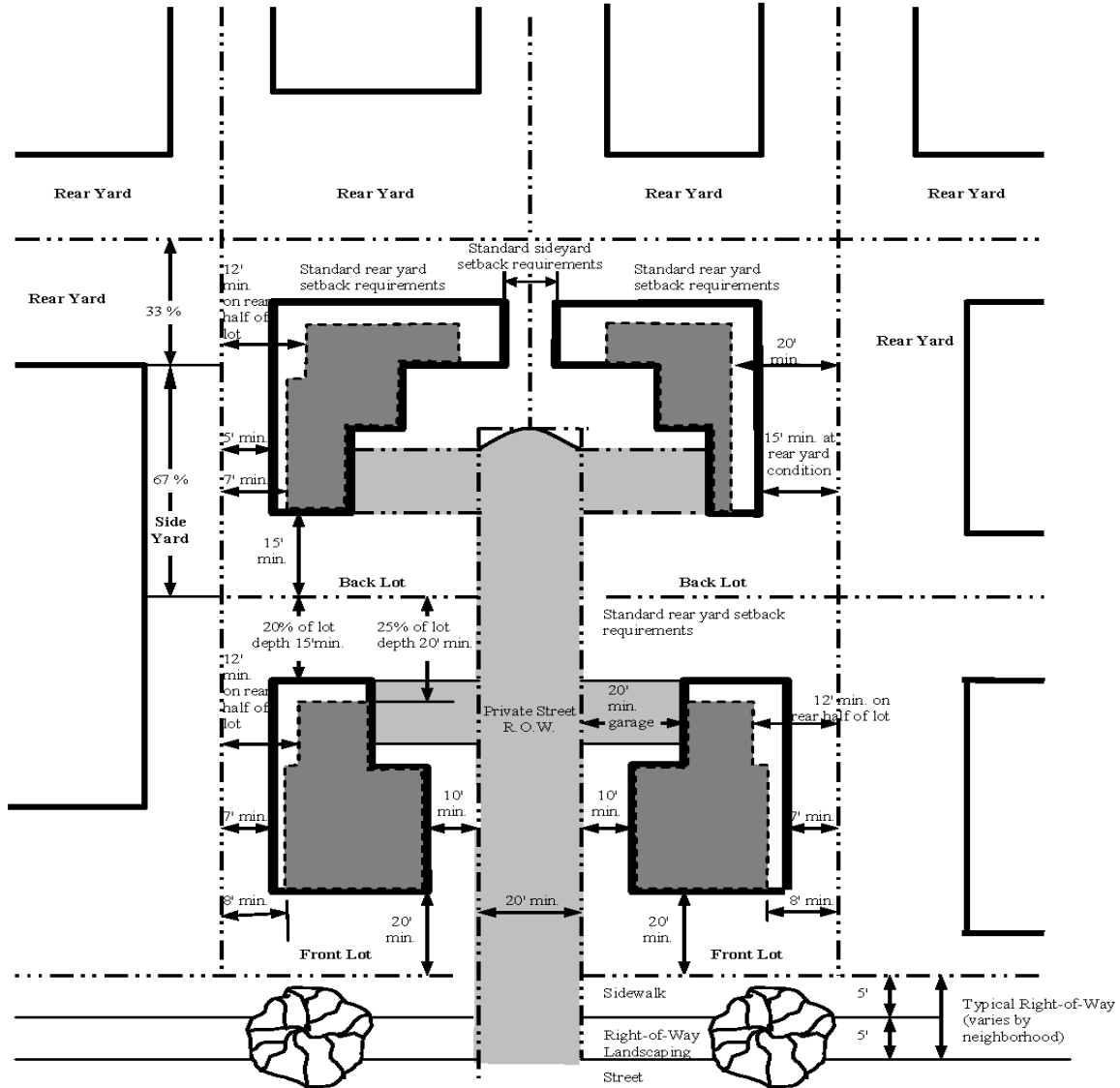


Figure 36.10-34
 SETBACK REQUIREMENTS FOR SUBDIVISIONS WITH
 SEVERAL LOTS ON A PRIVATE STREET
 (For Reference Only)



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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 36.12.80. - Maximum number of units.

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

MAXIMUM NUMBER OF UNITS

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

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

“DIVISION 11.
DUAL URBAN OPPORTUNITY HOUSING.

SEC. 36.13.10. - Dual urban opportunity housing.

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

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

“SEC. 36.13.15. - Rental term.

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

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

“SEC. 36.13.20. - Dual urban opportunity developments.

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

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

“SEC. 36.13.25. - Eligibility.

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

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

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

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

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

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

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

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

“SEC. 36.13.30. - Sale of units.

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

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

“SEC. 36.13.35. - Maximum number of units.

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

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

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

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

“SEC. 36.13.40. - Development standards.

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

DUAL URBAN OPPORTUNITY DEVELOPMENT STANDARDS

<u>Floor Area Ratio</u>	<u>The maximum base FAR allowed shall be based on lot area and calculated using the following formula: FAR = 0.50 - (0.00001 × Lot Area). FAR shall be measured as provided in the <u>Zoning Calculations: Methods, Definitions, and Clarifications.</u></u>
--------------------------------	---

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

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

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

“SEC. 36.13.45. - Exceptions.

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

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

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

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

b. Development standard exceptions.

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

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

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

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

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

"SEC. 36.13.50. - Findings for denial.

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

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

"SEC. 36.13.55. - Urban lot split.

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

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

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

“SEC. 36.13.60. - Map Act compliance.

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

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

“SEC. 36.13.65. - Eligibility.

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

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

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

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

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

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

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

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

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

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

2. A wetland.

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

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

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

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

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

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

9. Habitat for protected species.

10. Land under conservation easement.

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

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

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

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

“SEC. 36.13.70. - Urban lot split standards.

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

URBAN LOT SPLIT STANDARDS

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

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

“SEC. 36.13.75. - Owner occupancy.

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

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

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

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

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

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

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

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

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

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

REQUIRED PARKING BY LAND USE

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

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

	1-bedroom unit greater than 650 square feet	2 spaces per unit, 1 space shall be covered	
	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
<u>Rowhouse developments</u>	<u>Studio unit</u>	<u>1.5 spaces per unit, 1 space shall be covered</u>	<u>1 space per unit</u>
	<u>1-bedroom or more</u>	<u>2 covered spaces</u>	
Senior congregate care housing	1.15 spaces per unit; half the spaces shall be covered		2 percent of vehicle spaces
Senior care facility	Parking study required		Parking study required
Single-family housing and each dwelling unit in a duplex (See Sec. 36.10.15—Single-Family; see Sec. 36.10.50 for unit in duplex)	2 spaces, 1 of which shall be covered		None
Single-room occupancies	1 space per dwelling unit; plus 1 for every nonresident employee. Reduction of up to 0.50 space per unit may be granted through the conditional use permit process		1 space per 10 units

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

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

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

“SEC. 36.56.75. - Closure of inactive permits.

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

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

“SEC. 36.60.11. - Definitions - “D.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 36.60.45. - Definitions - “U.”

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

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

Section 31. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 32. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.
