

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36
OF THE MOUNTAIN VIEW CITY CODE RELATED TO THE
GATEKEEPER PROCESS OF DIVISION 12 AND DIVISION 13 OF ARTICLE XVI
AND PUBLIC HEARING NOTICING REQUIREMENTS OF
DIVISION 16 OF ARTICLE XVI

WHEREAS, the City Council of the City of Mountain View has reviewed and considered the recommendation of the Environmental Planning Commission relating to text amendments to Chapter 36 of the Mountain View City Code; and

WHEREAS, the City Council of the City of Mountain View finds and declares that Chapter 36, entitled "Zoning," of the Mountain View City Code should be updated and revised to reflect new information and clarified to improve the implementation of existing regulations;

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

Section 1. Section 36.52.15 of Chapter 36 of the Mountain View City Code, related to special application requirements for General Plan amendments, is hereby amended to read as follows:

"SEC. 36.52.15. - Special application requirements.

- a. Amendment of the general plan text or land use map category may be initiated by the director, commission or council.
- b. An application to amend the text of the general plan may be initiated by any interested party residing in, owning property or doing business with the city.
- c. Unless initiated in accordance with Subsection 36.52.15.a, an application to amend the land use map category on a specific property may be made only by the property owners or the authorized agent of the affected property(ies).
- d. For applications for a general plan text or map amendment submitted by a property owner, person doing business in, or resident of, Mountain View, the application shall first be forwarded to the city council to authorize staff review in accordance with this section.

e. General plan amendments that meet the following requirements shall be exempt from the authorization process:

1. Project sites within more than one (1) zoning district, under two (2) acres in total size, and owned by a single entity if the change is consistent with one (1) of the site's existing land use designations or land use types; ~~and~~

2. Project sites under two (2) acres in total size, abutting an existing residential zoned property, and proposed for conversion from an industrial to a residential zoning designation; and

~~2.3.~~ Projects that require authorization by the notice of funding availability (NOFA) committee.

f. Applications for authorization by the city council shall submit the following:

1. **Project Letter.** A letter requesting city council authorization to proceed with the review. Said letter shall include:

a) Information about any other studies that have affected the subject property or area, or the subject text of the general plan, within the past three (3) years;

b) Information about community benefits and other contributions provided by the request which exceed the existing minimum requirements;

c) Information about general plan and city council goals served by the request;

d) Information about the potential fiscal impact of the proposed general plan amendment, including any measures proposed by the applicants to offset any adverse fiscal impacts;

e) Consistency with the amendment authorization criteria; and

f) Any other information the applicant feels pertains to the council's review of the request.

2. **Plans.** A set of plans which include:

a) Site plan;

b) Floor plans;

- c) Elevations; and
- d) Conceptual renderings.

3. **Application fee.** An application fee as listed on the city's adopted fee schedule."

Section 2. Section 36.52.55 of Chapter 36 of the Mountain View City Code, related to special application requirements for zoning amendments, is hereby amended to read as follows:

"SEC. 36.52.55. - Special application requirements.

a. Zoning amendments may be initiated by the director, commission or council and may include any amendment to the text of this chapter or to the official zoning map.

b. An application for a zoning text amendment may be filed by any interested party residing in, owning property or doing business with the city.

c. Unless initiated in accordance with Subsection 36.52.50.a, an application to amend the official zoning map designation for a particular parcel may be filed only by the owner or authorized agent of the owner of the subject property(ies).

d. Notwithstanding the above, an application to amend the zoning map to apply the height limitation (-H) overlay zone or the neighborhood design (-ND) overlay zone may be filed by the owners of at least fifty (50) percent of the parcels that would be subject to the overlay zone. In addition, fifty-one (51) percent of the parcels in the -H overlay zone must comply with the height proposed for adoption by the city council, and at least fifty-one (51) percent of the parcels in the -ND overlay zone must have at least one (1) of any of the characteristics proposed to be regulated. If more than one (1) characteristic is proposed to be regulated, at least thirty-five (35) percent of the parcels must have at least two (2) of any of the characteristics proposed to be regulated. Prior to final city council action on the rezoning application, sixty-seven (67) percent of the property owners in the areas subject to the overlay zone, who respond to a mailed ballot, must indicate support for the zone change. However, the city council reserves the right to approve the rezoning without the sixty-seven (67) percent support.

e. For applications for zoning amendments submitted by a property owner, person doing business in, or resident of, Mountain View, the application shall first be forwarded to the city council to authorize staff review in accordance with this section.

f. Zoning amendments that meet the following requirements shall be exempt from the authorization process:

1. Project sites within more than one (1) zoning district, under two (2) acres in total size, and owned by a single entity if the change is consistent with one (1) of the site's existing land use designations or land use types; ~~and~~

1.2. Project sites under two (2) acres in total size, abutting an existing residential zoned property, and proposed for conversion from an industrial to a residential zoning designation; and

2.3. Projects that require authorization by the notice of funding availability (NOFA) committee.

g. Applications for authorization by the city council shall submit the following:

1. **Project Letter.** A letter requesting city council authorization to proceed with the review. Said letter shall include:

a) Information about any other studies that have affected the subject property or area, or the subject text of the zoning ordinance, within the past three (3) years;

b) Information about community benefits and other contributions provided by the request which exceed the existing minimum requirements;

c) Information about general plan and city council goals served by the request;

d) Information about the potential fiscal impact of the proposed zoning amendment, including any measures proposed by the applicants to offset any adverse fiscal impacts;

e) Consistency with the amendment authorization criteria; and

f) Any other information the applicant feels pertains to the council's review of the request.

2. **Plans.** A set of plans which include:

a) Site plan;

b) Floor plans;

- c) Elevations; and
- d) Conceptual renderings.

3. **Application fee.** An application fee as listed on the city’s adopted fee schedule.”

Section 3. Section 36.56.20 of Chapter 36 of the Mountain View City Code related to Notice of hearing, is hereby amended to read as follows:

“SEC. 36.56.20. - Notice of hearing.

a. The public shall be provided notice of hearings in compliance with state law. The notice shall clearly state the general explanation of the matter to be considered, location of the affected property, the date, time and place of the public hearing and the identity of the hearing body.

b. ~~For matters affecting individual properties or small groups of properties such that less than one thousand (1,000) owners are within a three hundred (300) foot radius of the subject site, the city shall provide such notice of hearing by the following methods~~ Noticing shall be provided as follows:

1. Written notice mailed or delivered at least ten (10) days prior to the public hearing to the following:

- (a) The owner(s) of the subject site or the owner's authorized agent(s);
- (b) The project applicant(s);
- (c) Local agencies expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the proposed project;

~~(d) Tenants and Owners of real property within three five hundred (300500) feet of the subject site project sites less than two (2) acres and seven hundred fifty (750) feet for project sites greater than two (2) acres~~ as shown on the latest equalized assessment roll or other records of the county assessor or recorder which contain more recent ownership information than the equalized roll; and

(e) Any individual or entity that has filed a written request with the city clerk requesting notification of public hearings pursuant to this chapter.

2. Publication of the notice of hearing in a newspaper of general circulation within the City of Mountain View ~~or posting of the notice of hearing in three (3) public places, including one (1) place in the area affected by the proposal. The publication in the newspaper or the posting of notices in public places shall occur~~ at least ten (10) days prior to the public hearing date.

3. Posting a project identification sign on the project site.

~~c. For matters affecting the entire city or large groups of properties such that more than one thousand (1,000) owners are within a three hundred (300) foot radius of the subject site, the city shall provide such notice of hearing by publication at least ten (10) days prior to the public hearing in a newspaper of general circulation within the City of Mountain View.~~

~~d.~~ **Expanded notice for city-owned properties.** In cases where the city is considering the sale or any other change or action involving any city-owned park or open space area, notice of any hearings shall be provided ten (10) days before the hearing as follows, in addition to the notice required by subsections "~~a~~1," "2" and "~~3~~e" above.

1. Posting a sign on the affected property;

2.1. If the city-owned property is adjacent to any street or highway, or adjacent to or across a street from a single-owner lot of one (1) acre or more, the notification radius shall be measured from the outside boundary of the city-owned site and the adjacent large parcel and the opposite side of any street or highway as if one (1) project site; and

2. Hand-delivery of the public hearing notice to any public or private school within the notification radius as set forth in (b)(2) above.

~~e~~. The city may give notice of public hearings in any other manner it deems necessary or desirable.

~~f~~. Failure of any individual or entity to receive notice as provided in Section 36.56.20 "b." to "e." shall not constitute grounds for any court to invalidate the city actions for which the notice was given."

Section 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. 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 6. 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.

DP/2/ORD
807-11-13-18o-so