

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 36 (ZONING) OF THE CITY CODE TO ALIGN WITH RECENTLY ENACTED
STATE LAW AND TO IMPLEMENT 2023-2031 HOUSING ELEMENT PROGRAMS, INCLUDING
UPDATES TO ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT
REGULATIONS, THE LAND USE TABLES AND DEVELOPMENT STANDARDS IN RESIDENTIAL,
COMMERCIAL, AND INDUSTRIAL ZONES RELATED TO LOW-BARRIER NAVIGATION CENTERS,
CHILD DAY-CARE, EMPLOYEE HOUSING, AND OTHER RESIDENTIAL USES, AND
PARKING REQUIREMENTS, AND PROVISIONS FOR MICRO-ENTERPRISE HOME KITCHEN
OPERATIONS AND HYDROGEN FUELING STATIONS; TO MODIFY PROVISIONS RELATED TO
ENTITLEMENT APPLICATIONS, DEVELOPMENT REVIEW, HEARING AND EXTENSION PROCESSES;
TO CLARIFY OR STREAMLINE EXISTING PROCEDURES AND PRACTICES;
TO INCORPORATE PERMIT PROVISIONS FOR MOVING BUILDINGS;
AND TO MAKE MINOR MODIFICATIONS, CLARIFICATIONS AND TECHNICAL CORRECTIONS

WHEREAS, Governor Gavin Newsom signed into State law several legislative bills that became effective January 1, 2023 which impact the City's zoning regulations and permitting procedures for: accessory dwelling units (Senate Bill (SB) 897 and Assembly Bills (AB) 2211 and 345), minimum parking standards (AB 2097), parking based on the number of bedrooms in multi-family residential units (AB 916), electric vehicle charging stations (AB 970), hydrogen fueling stations (SB 1291), and new microenterprise home kitchen operations (AB 626); and

WHEREAS, the City of Mountain View adopted the 2023-2031 Housing Element, which includes Policy Programs 1.1 and 1.2 that identify specific Zoning Ordinance updates that need to be completed by the City to ensure consistency with other State laws and existing State regulations, such as allowing low-barrier navigation centers (AB 101), employee housing (Health and Safety Code Section 17000, *et seq.*), and mobile home parks in certain zoning districts (Government Code Section 65852.7), remove barriers for reasonable accommodations and residential care facilities, and eliminate parking minimums for 100% affordable housing developments; and

WHEREAS, City staff periodically reviews and updates Chapter 36 (Zoning Ordinance) of the Mountain View City Code (City Code) for consistency with State regulations and to improve internal consistency, usability, and procedural updates to align with current practices or regulatory changes; and

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

WHEREAS, Chapter 36 of the City Code requires the City's Environmental Planning Commission and City Council each hold duly noticed public hearings regarding any proposed amendments to Chapter 36; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on November 1, 2023 and recommended the City Council approve the amendments to Chapter 36 included in this Ordinance; and

WHEREAS, the City Council held a public hearing on _____ on this Ordinance and received and considered all information, documents, and comments presented at and prior to said hearing regarding amendments to Chapter 36, including the recommendation from the Environmental Planning Commission, the 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 the project implements Policy Programs identified in the Sixth Cycle 2023-2031 Housing Element, including Zoning Ordinance updates for consistency with State laws, such as adding provisions for low-barrier navigation centers, employee housing, mobile home parks, residential care homes, and reasonable accommodations. The proposed amendments also include clarifications to improve internal consistency, usability, and procedures to reflect current practices or regulatory changes;

b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because these amendments implement State law or provide clarification to existing development standards, procedures, and practices, including those related to ancillary design components of accessory dwelling units or clarifying design review procedures, all of which will not impact the public health and welfare of the community;

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

d. The proposed amendments are in compliance with the provisions of the California Environmental Quality Act (CEQA) because they are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061, subsections (b)(1) through (b)(3). The amendments include zoning text amendments intended to comply with State legislation, such as regulations regarding accessory dwelling units, parking, electric vehicle charging stations, hydrogen fueling stations, and certain residential land uses. Additionally, some of the proposed amendments are intended to clarify existing administrative and regulatory procedures and improve usability and

consistency of Chapter 36 (Zoning), which relate to ministerial activities that are not subject to CEQA or are otherwise covered by the common-sense exemption that the amendments will not result in a significant effect on the environment.

Section 2. Code Amendments. Sections of Chapter 36 are hereby amended as set forth below with deletions shown by ~~strikethrough~~ and additions are shown in red underline.

Section 3. Chapter 36, Article III, Division 2, Section 36.06.56 through Section 36.06.59 of the Mountain View City Code are hereby rescinded in their entirety.

Section 4. Chapter 36, Article III, Division 5, Section 36.08.30 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.08.30. - Height limits.

Height limitations set forth elsewhere in this ~~e~~Chapter shall not apply to:

- a. Barns, silos, water towers or tanks, windmills, or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; church spires, belfries, cupolas and domes; smokestacks; flag poles; elevator penthouses; cooling towers; grain elevators; ~~parapet walls extending not more than four (4) feet above the limiting height of the building;~~ and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.
- b. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are not more than one (1) story in height, and provided that for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- c. Other structures where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line not a street lot line.
- d. Antennas and communication facilities on utility poles, utility towers and light standards in all zoning districts, excluding the city’s rights-of-way, provided:
 1. The applicant submits a development review permit and goes through the review process pursuant to Section 36.44.45;

2. The applicant submits a description of the efforts made to consider alternative sites and demonstrates the proposal for the facility, including all associated equipment (whether or not installed by the applicant), is the least intrusive alternative;
 3. The proposed height exception is proven, by the applicant, to be the minimum amount of additional height needed to address a significant gap in coverage;
 4. The proposed extension and other changes to the pole or equipment are proven, by the applicant, to be structurally sound and safe; and
 5. Equipment associated with the facility does not impede pedestrian or vehicular accessibility along any public or private pathways, sidewalks, driveways or roadways, visually impede any safe use of the same, or otherwise present a hazard to pedestrian or vehicular use of the same.
- e. Roof screens, parapets or any architectural feature intended to provide screening of rooftop equipment in all zoning districts shall be the minimum necessary height to fully screen rooftop equipment on all sides, not to exceed an additional ten (10) feet beyond the maximum building height, excluding residential structures in all R1 and R2 zones in which roof screens must comply with the maximum building height.”

Section 5. Chapter 36, Article III, Division 6, Section 36.08.65 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.08.65. - Findings.

- a. Any decision on an application under this ~~§~~Section shall be supported by written findings addressing the criteria set forth in this subsection. An application under this ~~§~~Section for a reasonable accommodation shall be granted if all of the following findings are made:
 1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
 2. The requested reasonable accommodation is necessary to provide housing accessible to an individual with a disability under the Acts.
 3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
 4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning or building codes, ~~and would not be detrimental to the public health, safety and general welfare.~~

~~5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.~~

~~6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.~~

- b. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection "a." above."

Section 6. Chapter 36, Article III of the Mountain View City Code is hereby amended to add a new Division 7 to read as follows:

DIVISION 7. MOVING BUILDINGS

SEC. 36.08.70. - Definitions.

For the purpose of this Division, the following words shall have the meanings respectively ascribed to them by this Section:

- a. **Building.** A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure containing one hundred (100) square feet or less of floor space shall not fall within this definition.
- b. **Public works director.** The public works director for the city or their designee.
- c. **Zoning permit.** A permit issued pursuant to the provisions of this Chapter, including, but not limited to, a development review permit and historic preservation permit required for the placement, modification, rehabilitation or improvement of a relocated building and any associated site improvements to accommodate said building.

SEC. 36.08.75. - Applicability.

The provisions of this Division shall apply to any development project or activity that involves the movement of a building to any location within the City of Mountain View. These provisions shall not apply to buildings moved to a location within the city for the purpose of temporary storage, so long as such activity is conducted in compliance with the provisions of Section 8.149 of the city code.

SEC. 36.08.80. - Special application requirements.

In addition to the application requirements of Article XVI of this Chapter, applications for moving buildings shall include: a project description regarding how the structure conforms to the general form, scale and character of the neighborhood and what modifications will occur to the project site as a result of the project; information of any proposed structural modifications (i.e., windows, new roofing, etc.); and, if the structure has historic qualities, explanation of how the character and architectural style of the period shall be retained in any proposed expansion and/or accessory structures (e.g., avoid stucco over wood, replacing or mixing wood windows with aluminum, etc.).

SEC. 36.08.85. - Moving notice.

At least fifteen (15) calendar days prior to review of a request for a zoning permit to move any building to a location inside the city, the applicant shall post a moving notice both at the proposed new location to be moved and at the existing building location in accordance with city standards for project identification signs.

Hearing notices shall be mailed in accordance with Section 36.56.20. Failure of any property owner, tenant or other person to receive said notice of hearing will not invalidate the proceedings or the permit.

SEC. 36.08.90. - Approval process.

1. **Zoning permit.** A zoning permit shall be obtained in accordance with the hearing procedures in Sections 36.56.25 and 36.56.30 prior to receiving approval from the public works director that the structure and the route are approved for moving and prior to receiving a building permit.
2. **Premove inspection.** A person seeking to move a building or structure onto a parcel within the city shall, concurrently with applying for a zoning permit, file an application for a premove inspection with the chief building official. The chief building official shall perform a premove inspection of the building or structure and the proposed location of the same, and the chief building official shall submit to the zoning administrator a report describing the improvements which must be made to the building or structure to conform to the current building codes.
3. **Public works director approval.** The public works director shall approve the route the building is to be moved from the original site to the new location.
4. **Other approvals.** A building permit for work as a result of moving the building shall be obtained as well as a moving permit for the moving of the structure. See Article VII in Chapter 8 on the application and additional procedures for the premove inspection, a building permit and a moving permit.

SEC. 36.08.95. - Decision and appeal.

- a. **Denial.** If the zoning administrator finds and determines that the relocation of the building to the proposed site is inconsistent with the development standards of the underlying zoning district; would cause appreciable damage to, or be materially detrimental to, the property or improvements within the immediate vicinity of the proposed new location; or if the structure is of a type prohibited at the proposed new location by any law or city regulation, the zoning administrator shall deny the zoning permit and inform the applicant in writing.
- b. **Appeal.** Any person may appeal the decision of the zoning administrator made pursuant to this Division per Section 36.56.50.”

Section 7. 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 ~~e~~Chapter in each residential zoning district are identified in the following tables as being:

- a. Permitted subject to compliance with all applicable provisions of this ~~e~~Chapter, including development review where required and parking requirements, and subject to obtaining any building permit or other permit required by the City Code (“P” uses on the tables).
- b. Allowed subject to approval of a conditional use permit (“CUP”) (Section 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Section 36.46).
- d. Allowed subject to approval of a planned unit development permit (“PUD”) (Section 36.46.70).
- e. Allowed subject to approval of a mobile home park permit (“MHPP”) (Section 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 Section 36.06.40 (Determination of Allowable Land Uses) or Section 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
Dual Urban Opportunity Development	P					36.13.10
Duplexes		P	P		P	36.10.40
<u>Employee Housing¹</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Home Occupations, <u>Cottage Food Operations,</u> <u>Microenterprise Home</u> <u>Kitchen Operations</u>	P	P	P	P	P	36.28.75
Junior Accessory Dwelling Unit	P	P	P	P	P	36.12.60
Mobile Home Parks	<u>MHPP</u>	<u>MHPP</u>	<u>MHPP</u>	MHPP	<u>MHPP</u>	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
<u>Residential Care Home, 7+ Clients</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Residential Care Home ² , 0-6 Clients	P	P	P	P	P	
Rooming and Boarding Houses	CUP	CUP	CUP	CUP	CUP	
Rooming and Boarding, 2 Persons Maximum	P	P	P	P	P	36.10.85
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

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Uses not Named but Similar to Listed Uses	CUP	CUP	CUP	CUP	CUP	
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g.
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP ^P	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 ⁴³	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 Subject to the same permitting requirements as a single-family dwelling.

² Subject to the same requirements as a single-family dwelling or duplex if serving six (6) or fewer clients, or subject to the underlying zoning requirements if serving seven (7) or more clients.

⁴³ 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	SYMBOL	See-Section 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 8. 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 Section 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 Section 36.13.10 through Section 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 Section 36.10.15 based on map designation or smaller area approved under Section 36.10.35 with a PUD permit or under Section 36.13.50 through Section 36.13.75 with an urban lot split.
Lot width	60 ft. minimum for interior lots, 70 ft. for corner lots; except for greater width required by Section 36.10.15 or Section 36.10.20 based on map designation and lesser width is required for lots created by an urban lot split pursuant to Section 36.13.65.
Density (maximum)	1 dwelling per parcel, except where an accessory dwelling unit, junior accessory dwelling unit and/or dual opportunity development is allowed.
Floor area ratio	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 Zoning Calculations: Methods, Definitions, and Clarifications. See Section 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>Examples:</p> <ul style="list-style-type: none"> 6,000 sq. ft. lot = $0.50 - (0.00001 \times 6,000) = 0.44$ FAR 7,500 sq. ft. lot = $0.50 - (0.00001 \times 7,500) = 0.425$ FAR <p>0.40 for lots of 10,000 sq. ft. or greater.</p>	
Setbacks (See Figures 36.10-1 and 36.10-2)	The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks.	
	Front	20 ft. minimum for the first floor wall; an additional 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 Section 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	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, 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. 6 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 Section 36.12.35 for limits on widths of accessory structures, including detached garages.	
Signs	See Article XII (Signs).”	

Section 9. Chapter 36, Article IV, Division 10 of the Mountain View City Code is hereby amended to rescind Sections 36.12.75 and 36.12.115 in their entirety, and to renumber and amend current Sections 36.12.80 through 36.12.120 to read as follows:

~~“**SEC. 36.12.75. Review process.**~~

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

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

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

SEC. 36.12.8075. - Maximum number of units.

Accessory dwelling units and/or a junior accessory dwelling unit ~~may be~~ are 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
Dual urban opportunity housing site	See Section 36.13.10 through 36.13.35	

~~a. One (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot with a proposed or existing single-family dwelling subject to the provisions of Government Code Section 65852.2(A).~~

~~b. One (1) detached, new construction, accessory dwelling unit that does not exceed four (4) foot side- and rear-yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit.~~

- c. Multiple accessory dwelling units are allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages, if each unit complies with Chapter 8 of the city code. At least one (1) accessory dwelling unit within an existing multi-family dwelling is allowed, and up to twenty-five (25) percent of the existing multi-family dwelling units are allowed.
- d. Not more than two (2) accessory dwelling units that are located on a lot that has an existing multi-family dwelling are allowed to be detached from that multi-family dwelling subject to a height limit of sixteen (16) feet and four (4) foot rear yard and side setbacks.

SEC. 36.12.8580. - Provisions applicable to single-family accessory dwelling units.

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

SINGLE-FAMILY ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.	
Gross floor area	Maximum: Eight hundred fifty (850) square feet of habitable floor area for one (1) bedroom or fewer, and one thousand (1,000) square feet for two (2) bedrooms or more. <u>Attached units shall not exceed fifty (50) percent of gross floor area of the existing primary unit.</u>	
Setbacks	Front	Consistent with requirements of the underlying zone.
	Side	Four (4) feet minimum.
	Rear	Four (4) feet minimum.
Height limit	First-story unit Attached unit	Sixteen (16) feet maximum building height. <u>Twenty-eight (28) feet maximum, which cannot exceed two (2) stories, including a basement level.</u>
	Second-story unit Detached unit	Twenty-eight (28) feet maximum building height. <u>For a 1- or 2-story accessory dwelling unit: Sixteen (16) feet maximum, which can increase to eighteen (18) feet if the subject parcel is located within one-half (1/2) mile walking distance of a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two (2) feet in height (up to twenty (20) feet) is permitted to align the</u>

		<p><u>accessory dwelling's roof pitch to that of the primary dwelling.</u></p> <p><u>An accessory dwelling unit above an accessory structure:</u> <u>Twenty-eight (28) feet maximum if the accessory dwelling is proposed on the second story of an accessory structure and the accessory dwelling unit's floor area must be contained within one (1) story.</u></p>
Required parking spaces	No bedrooms	None.
	One (1) or more bedrooms	One (1) space (covered or uncovered), which can be provided in a garage or carport or as tandem parking in a driveway. No parking is required if the accessory dwelling unit meets the provisions of <u>Section- 36.12.100.</u>
Entrances	Shall have a separate entrance from the primary dwelling unit <u>provided as a side-hinged door per Section R311 of the California Residential Code. Internal access to the primary dwelling unit is permitted in addition to the separate entrance.</u>	
Stairs	<u>Setbacks.</u> <u>Staircases must comply with accessory dwelling unit minimum setbacks. No encroachments into setbacks are permitted.</u>	
	<u>Enclosed Staircase.</u> <u>Enclosed staircases are counted toward the gross floor area of an accessory dwelling unit.</u>	
<u>Porch, decks and balconies and other accessory structures</u>	<u>At-grade patio or deck</u>	<u>A covered, unenclosed porch at the entrance of an accessory dwelling unit is permitted in accordance with building and fire code requirements, where up to fifteen (15) square feet does not count toward gross floor area of the unit. An uncovered deck must comply with subsection 36.14.95.a.</u>
	<u>Second-story balcony</u>	<u>Attached unit.</u> <u>A balcony is permitted if compliant with Section 36.10.25 for balconies on the primary dwelling unit.</u>
		<u>Detached unit.</u> <u>Prohibited.</u>
	<u>Roof deck</u>	<u>Prohibited.</u>
<u>Accessory structures</u>	<u>All other accessory structures must comply with Section 36.12.50.</u>	

SEC. 36.12.9085. - Provisions applicable to multi-family accessory dwelling units.

Except as provided in subsection 36.12.100.b., accessory dwelling unit(s) may be permitted on a multi-family residential site subject to the following requirements. All requirements of the underlying zoning district shall apply unless they are in conflict with this Section.

MULTI-FAMILY ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.		
Gross floor area	<u>Maximum: One thousand two hundred (1,200) square feet for a detached accessory dwelling unit.</u>		
Setbacks	Detached unit	Front	Consistent with the required setbacks of the underlying zoning district.
		Side	Four (4) feet minimum.
		Rear	Four (4) feet minimum.
Height limit	Detached unit	<u>For a 1- or 2-story structure:</u> Sixteen (16) feet maximum building height, <u>which can increase to eighteen (18) feet in height if any of the following applies:</u> <u>1. The subject parcel is located within one-half (1/2) mile walking distance of a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two (2) feet in height (up to a maximum of twenty (20) feet) is permitted to align the accessory dwelling's roof pitch to that of the primary dwelling; or</u> <u>2. The subject parcel has an existing or proposed multi-story, multi-family dwelling.</u>	
Required parking spaces	None.		

SEC. 36.12.9590. - Provisions applicable to junior accessory dwelling units.

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

JUNIOR ACCESSORY DWELLING UNIT REQUIREMENTS

Minimum lot area	No minimum.
Gross floor area	Maximum: Five hundred (500) square feet of habitable floor area.
Location of unit	Must be contained entirely within the walls of a single-family dwelling.
Required parking spaces	None.
Entrances	A junior accessory dwelling unit may, but does not need to <u>must</u> have a separate entrance from the primary dwelling unit. <u>An interior entry between the primary dwelling unit and junior accessory dwelling unit may be allowed in addition to the separate entrance, but an interior entry is required if the junior accessory dwelling unit does not include a bathroom.</u>
Owner occupancy	One (1) of the dwellings on the property must be occupied by at least one (1) legal owner of the property, unless the property is owned by a governmental agency, land trust or housing organization.
Deed restriction	Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction, in a form satisfactory to the city attorney and zoning administrator, shall be recorded at the Santa Clara County Recorder's office and filed with the city. The deed restriction shall prohibit the sale of the junior accessory dwelling unit separate from the sale of the single-family dwelling, restrict any modifications to the junior accessory dwelling unit that would render the unit nonconforming, prohibit renting the unit for fewer than thirty (30) days and require that one (1) of the dwellings on the lot must be occupied by at least one (1) legal owner of the property, unless the property is owned by a governmental agency, land trust or housing organization.

SEC. 36.12.10095. - Exceptions.

- a. **Parking exceptions.** No parking space is required for an accessory dwelling unit if any of the following conditions are met:
1. The unit is located within one-half (1/2) mile walking distance of public transit.
 2. The unit is located within an architecturally and historically significant historic district.
 3. The unit is part of the existing primary dwelling unit or an existing accessory structure.
 4. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. There is a car-share vehicle parking space located within one (1) block of the accessory dwelling unit.
6. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, no replacement parking spaces shall be required.

b. **Development standard exceptions.**

1. An attached or detached accessory dwelling unit no more than eight hundred (800) square feet in size, with ~~height no greater than sixteen (16) feet~~ heights consistent with this Division, and minimum side and rear setbacks of four (4) feet shall be permitted regardless of any development standard that would prevent construction of the unit, including, but not limited to, limits on the front setback, lot coverage, floor area ratio, open space or detached accessory dwelling unit location.
2. An expansion of no more than one hundred fifty (150) square feet of an existing accessory structure to accommodate ingress and egress shall be allowed when an accessory dwelling unit is otherwise within the existing space of an accessory structure or within the existing space of an existing single-family dwelling.
3. The height and setback standards listed in Section- 36.12.85 do not apply to accessory dwelling units located entirely within a single-family dwelling, nonlivable space of a multi-family dwelling structure, or accessory structure; or in the place of and to the same dimensions, including height, as an existing accessory structure. The side and rear setbacks must be sufficient for fire and safety.
4. Up to two (2) feet of roof eave may encroach into required setbacks in accordance with building and fire codes.
5. The gross floor area for a single-family accessory dwelling unit may be exempt from the subject parcel's maximum allowable floor area per the underlying zoning district, up to a maximum of eight hundred (800) square feet.

SEC. 36.12.105100. - Sale of units.

Accessory dwelling units and junior accessory dwelling units may be rented independently of the primary single-family dwelling or multi-family dwelling structure, but may not be sold or conveyed separately from the primary dwelling(s) on the lot except as provided in Government Code Section 65852.26.

SEC. 36.12.110105. - Short-term rentals.

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

~~SEC. 36.12.115. - Fire sprinklers.~~

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

SEC. 36.12.110. - Corrections of nonconforming conditions or violations.

The correction of nonconforming zoning conditions, building code violations or unpermitted structures shall not be required of an accessory dwelling unit unless the improvements present a threat to public health and safety, which are affected by the construction of the accessory dwelling unit, or a correction is necessary to the primary dwelling unit to protect health and safety as determined by the chief building official.

SEC. 36.12.120115. - Utilities.

- a. Except as provided in subsection b. below, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the second unit.
- b. Junior accessory dwelling units and accessory dwelling units converted from the existing space of a single-family dwelling or accessory structure are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.
- c. All utility extensions shall be placed underground.
- d. No accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.”

Section 10. Chapter 36, Article V, Division 2, Section 36.18.05 of the Mountain View City Code is hereby amended to read as follows:

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

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

- a. Permitted subject to compliance with all applicable provisions of this Chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the city code (“P” uses on the tables). Per Section- 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”) (Section- 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Section- 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 Section- 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 Section- 36.58.30 (Procedures for Interpretation).
- e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section- 36.06.40 (Determination of Allowable Land Uses) or Section- 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 REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
MANUFACTURING AND PROCESSING					
Food products		P			36.60.15

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

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
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
<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>
Home occupations, <u>cottage food operations</u> , <u>microenterprise home kitchen operations</u>				P	36.28.75
<u>Low-barrier navigation center</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>P</u>	<u>36.28.60</u>
<u>Mobile home parks</u>				<u>MHPP</u>	<u>36.12.15</u>
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					

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
Accessory retail uses	P	P	P	P	36.28.05
Auto, mobile home, trailer and boat sales		P		CUP	36.30.25
Bars and drinking places		CUP		CUP	
Building material stores (not including concrete)		P		CUP	
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	36.28.30
Fuel and ice dealers		P		CUP	
Furniture, furnishings and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	
Outdoor merchandise and activities		CUP		CUP	36.28.95
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	36.46
Restaurants serving liquor, with entertainment				CUP	
Restaurants serving liquor, without entertainment	CUP	CUP		P	
Restaurants with or without beer and wine	P	CUP		P	
Restaurants, take-out	P	CUP		P	
Retail stores, general merchandise	P	CUP		P	36.60.39
Second-hand stores		CUP		CUP	
Shopping centers	P			CUP	36.60.41

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
Significant tobacco retailer				CUP	36.30.20 and 36.30.30
Warehouse retail stores		CUP			36.30.40
SERVICES					
Animal service establishments	CUP	CUP	CUP	CUP	36.30.35
Automatic teller machines (ATMs)	P	P	P	P	
Banks and financial services	P		P	P	
Business support services		P		P	36.60.07
Cannabis business, nonstorefront retail		CUP			36.30.55, 36.60.03 and Chapter 9
Cemeteries, columbariums and mortuaries			CUP	P	36.28.15
Commercial parking lots		CUP		CUP	
Contractors equipment: storage, sales or rental		P			
Drive-in and drive-through services	CUP	CUP	CUP	CUP	36.28.30
Hotels and motels				CUP	36.18.50
Plant nursery		P		CUP	
MEDICAL SERVICES					
Medical services— <3,000 square feet	P		P	P	36.60.29
Medical services— 3,000 to 20,000 square feet	CUP		P	P	36.60.29
Medical services— >20,000 square feet			CUP	CUP	36.60.29
Medical services— hospitals and extended care			CUP	CUP	36.60.29
OFFICES					

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
Offices	CUP	P	P	P	CN District: 36.18.15.b. CS District: 36.18.20
Administrative and executive			P	P	
Research and development/light testing and assembly		P		CUP	CS District: 36.18.20 CRA District: 36.18.25
Personal services	P	CUP		P	36.60.35
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance— consumer products	P	P		P	36.60.39
Repair and maintenance— vehicle, major work		P			36.30.25, 36.60.39 and Chapter 39
Repair and maintenance— vehicle, minor work		P		CUP	36.30.25, 36.60.39 and Chapter 39
Service stations	CUP	CUP		CUP	36.30.15
Storage, accessory	P	P	P	P	36.60.41
Tow yards		CUP			
Electrical, plumbing and carpenter shops		P			
Warehousing		P			
TRANSPORTATION AND COMMUNICATIONS					
<u>Hydrogen fueling station</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.30.120</u>
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	CUP	CUP	CUP	CUP	36.18.05.d

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	Notes SEE SECTION
zoning administrator					

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 11. Chapter 36, Article V, Division 3, Section 36.18.30 of the Mountain View City Code is hereby amended to read as follows:

SEC. 36.18.30. - General development standards for commercial zones.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements in all commercial zones.

- a. **Facility upgrading required.** Any major alteration or expansion (as determined by the zoning administrator) that requires development review shall incorporate measures to upgrade all existing facilities to extent feasible within lot constraints (structures, parking, landscaping, signs, etc.) to the current standards of this ~~e~~Chapter.
- b. **Appearance of structures.** Where minimum structure setbacks are provided, streetscape interest and relief shall be provided through special attention to facade treatment, planters, awnings and similar features.
- c. **Rooftop equipment.** All rooftop equipment must be screened on all sides with an opaque screen, parapet or architectural feature that is compatible with the building materials, form and design at a height equal to or greater than the installed equipment height. Exceptions to height limits for screening are set forth in ~~Section-~~ 36.08.30(e).
- d. **Ground-level equipment.** All exterior ground-level equipment must be fully screened and located within an enclosure constructed of solid masonry or other suitable building materials consistent with the on-site exterior building materials, form and design at a height to fully screen the equipment, but no taller than eight (8) feet in height. On a case-by-case basis, the zoning administrator may consider and approve additional height to further screen the equipment. Ground-level equipment may include, but is not limited to, ground-water pumping equipment, generators and mechanical equipment.

- ~~de.~~ **Trash containers enclosures.** Trash enclosures shall be provided in all projects and shall be constructed of solid masonry or other suitable building materials, consistent with the building on-site, and shall be a minimum of six (6) feet in height, with solid, view-obstructing gates and a concrete pad in front to accommodate lifting and dropping of the dumpster. Trash enclosures shall be located in inconspicuous locations.
- ~~f.~~ **Fences and walls.** Any fences or walls in required setbacks, other than front and street side setback areas, may not exceed seven (7) feet in height, subject to development review (see Section 36.44.45). On a case-by-case basis, the zoning administrator may consider and approve fences or walls of additional height to meet business security needs.
- eg. **Late-night use and activities.** The following standards apply to businesses abutting (either adjacent to directly or across the street from) residentially zoned properties with ongoing operations or activities between 11:00 p.m. and 6:00 a.m.
1. Businesses abutting residentially zoned properties that are open or have ongoing activities between the hours of 11:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise from any sources during those hours.
 2. Upon substantial evidence that businesses' ongoing operations between the hours of 11:00 p.m. and 6:00 a.m. are creating excessive noise, the zoning administrator shall hold a public hearing in accordance with ~~Section-~~ 36.48 (Conditional Use Permit) and may apply additional or modified conditions of approval necessary to ensure the operation is compatible with the adjoining residentially zoned property. Said use permit shall be limited to operations or activities occurring between 11:00 p.m. and 6:00 a.m.
- ~~fh.~~ **Facade and site modifications.** Per ~~Section-~~ 36.44.45, development review approval is required for exterior modifications to existing structures and site changes (including, but not limited to, new or modified landscaping, fencing, changes to parking lot striping or circulation). Exterior modifications performed and/or constructed without appropriate approvals shall require approval through development review of the alteration(s) or to return the building to its original condition. The zoning administrator may require additional improvements to make the building conform to acceptable standards for the area or zone district. Exterior modifications include, but are not limited to, the covering or blocking of window openings, which shall retain visibility between interior and exterior activities unless a permit for exterior modification has been approved through this process.
- ~~g.~~ **Fences.** ~~Fences or walls in required setbacks, other than front and street side setback areas, may not exceed seven (7) feet in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height."~~

Section 12. Chapter 36, Article V, Division 4, Section 36.18.35 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.18.35. - CN zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CN ZONE DEVELOPMENT STANDARDS

Lot area	No minimum.	
Lot width	No minimum.	
Floor area ratio	0.35 maximum.	
Setbacks	Front	15 ft. minimum; and 10 ft. of landscaping in front of parking.
	Sides	20 ft. minimum abutting other than a commercial zone; 10 ft. minimum on any street side; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential; none otherwise.
	Rear	20 ft. minimum; and 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
Height limits	35 ft. and 2 stories, maximum. See Section- 36.08.30 for exceptions to height limits.	
Landscaping	Total site	Properties less than 15,000 sq. ft. in size: minimum 10% of total site area shall be landscaped. Properties 15,000 sq. ft. and larger in size: minimum 15% of total site area shall be landscaped.
	Street frontages	Minimum 10 ft. wide landscape buffer shall be provided along all street frontages.
	Adjacent to residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter planting and trees	Minimum 5 ft. wide screen planting shall be established along all interior property lines. Medium- to-large-size trees shall be used and in scale with the commercial areas and serve as sidewalk canopies, screening and parking area shade and relief.
	Additional requirements	See Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements.

	Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and loading	See Article X (Parking and Loading).
Signs	See Article XII (Signs).
Other developments standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.”

Section 13. Chapter 36, Article V, Division 5, Section 36.18.40 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.18.40. - CO zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CO ZONE DEVELOPMENT STANDARDS

Lot Area	12,000 sq. ft. minimum.	
Lot Width	No minimum.	
Floor Area Ratio	0.35 for offices.	
Setbacks	Front	25 ft. minimum; and 10 ft. of landscaping in front of parking.
	Sides	10 ft. minimum; and 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
Height Limits	35 ft. and 2 stories, maximum. See Section 36.08.30 for exceptions to height limits.	
Landscaping	Total Site	Properties less than 15,000 sq. ft. in size: Minimum 10% of total site area shall be landscaped.
		Properties 15,000 sq. ft. and larger in size: Minimum 15% of total site area shall be landscaped.
	Street Frontages	Minimum 10 ft. wide landscape buffer shall be provided along all street frontages.

	Adjacent to Residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter Planting and Trees	Minimum 5 ft. wide screen planting shall be established along all interior property lines.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water efficient landscaping requirements. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Section 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and Loading		See Article X (Parking and Loading).
Signs		See Article XII (Signs).
Other Development Standards and References		See Zoning Calculations: Methods, Definitions and Clarifications handout.”

Section 14. Chapter 36, Article V, Division 6, Sections 36.18.45 and 36.18.50 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.18.45. - CRA zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CRA ZONE DEVELOPMENT STANDARDS

Lot Area	20,000 sq. ft. for hotels and mixed-use; other uses no minimum.
Lot Width	No minimum.
Residential Density (maximum)	See Section 36.18.50.b.
Floor Area Ratio	0.35 for offices and R&D; 1.35 for mixed-use.

Setbacks	Front	10 ft. of landscaping in front of parking; 20 ft. average for parking on lots 200+ ft. deep, or 20,000+ sq. ft.; 5 ft. of landscaping between building and sidewalk where no street setback is required.
	Sides	10 ft. minimum on any street side; equal to building height, 10 ft. minimum, next to residential; 5 ft. of landscaping next to parking; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	Same as side yard.
Height Limits	45 ft. and 3 stories maximum. See Section 36.08.30 for exceptions to height limits.	
Landscaping	Commercial	For nonmixed-use commercial projects: Properties less than 15,000 sq. ft. in size: Minimum 10% of total site area shall be landscaped. Properties 15,000 sq. ft. and larger in size: Minimum 15% of total site area shall be landscaped.
	Residential	For residential uses on sites larger than 20,000 sq. ft.: Minimum 45% of the total area of the site shall be permanently landscaped. For nonmixed-use residential sites with more than 4 units, 45% of the total area of the site shall be permanently landscaped.
	Street	Minimum 10 ft. wide landscape buffer shall be provided along the street in front of parking, which should be increased to 20 ft. on lots 200 ft. or more in depth and/or 15,000 sq. ft. or greater in size.
	Adjacent to Residential	A 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Section 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and Loading	See Article X (Parking and Loading).	
Signs	See Article XII (Signs).	

Other Development Standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.
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SEC. 36.18.50. - CRA zoning district special development standards.

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

- a. **Hotels and motels.** Hotels and motels are allowed only on sites with an area of twenty thousand (20,000) square feet or larger, shall have a maximum FAR of one and thirty-five hundredths (1.35) and comply with the setback and height standards listed in subsection 36.18.50.b.
- b. **Accessory dwelling units.** Accessory dwelling units shall be permitted on residential sites and shall comply with the provisions of ~~Sections-~~ 36.12.60 through 36.12.120.
- c. **Residential and mixed-use projects.** New residential and mixed-use developments shall be designed and constructed in compliance with the following requirements:

DEVELOPMENT STANDARDS FOR RESIDENTIAL AND MIXED USE

Dwelling Unit Standards	The following standards apply to multi-family housing: Standards for townhouse and rowhouse developments are listed separately in Sections- 36.16.10 and 36.16.20, respectively. See Zoning Calculations: Methods, Definitions and Clarifications handout for details.	
Lot Area	Twenty thousand (20,000) square feet minimum, except that lot sizes in townhouse and rowhouse developments approved through a PUD permit are listed separately in Sections- 36.16.10 and 36.16.20, respectively.	
Lot Width	None.	
Density	Forty-three (43) units per acre maximum.	
Floor Area Ratio	One and thirty-five hundredths (1.35) maximum for office, retail and housing (office portion shall not exceed thirty-five hundredths (0.35) FAR).	
Setbacks	See Section- 36.14.75 for exceptions to required setbacks for properties in the R2 district.	
	Front	Five (5) feet behind sidewalk minimum.

	Rear	Fifteen (15) feet minimum but not less than the height of the adjacent wall of the subject parcel (measured to top of wall plate).
	Sides	Fifteen (15) feet minimum.
	Between Principal Structures	One-half (1/2) the sum of nearest opposing walls of the subject parcel (measured to top of wall plate).
Site Coverage	None.	
Pavement Coverage for Area Dedicated to Auto	Twenty-five (25) percent of site; the zoning administrator may approve higher percentage in proportion to commercial [space] in mixed-use development.	
Height Limits	See <u>Section</u> - 36.08.30 for exceptions to height limits.	
	Maximum building height (to ridge): Forty-five (45) feet; and Maximum wall height to top of wall plate: Thirty-five (35) feet. Except that buildings with commercial space may have a maximum building height (to ridge) of fifty (50) feet; lower building height may be required for portions of buildings adjacent to existing residential.	
Open Area	Forty-five (45) percent, including forty (40) square feet of private open area per unit; the zoning administrator may approve reduced open area in proportion to commercial space in mixed-used development.	
Fences	Fences or walls in required setbacks, other than front and street side setback areas, may not exceed seven (7) feet in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.	
Personal Storage	Eighty (80) square feet of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.	
Parking	See Article X (Parking and Loading).	
Signs for Commercial Uses in Mixed Use Development	See <u>Section</u> - 36.36.50- (Signs). The zoning administrator may modify the sign regulations as appropriate for a development that includes residential uses."	

Section 15. Chapter 36, Article V, Division 7, Section 36.18.55 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.18.55. - CS zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CS ZONE DEVELOPMENT STANDARDS

Lot area	No minimum.	
Lot width	No minimum.	
Floor area ratio	0.40 maximum.	
Setbacks	Front	10 ft. of landscaping in front of parking; 5 ft. of landscaping between building and sidewalk where no street setback is required.
	Sides	10 ft. minimum on any street side; 5 ft. of landscaping next to parking; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	Same as side yard.
Height limits	No maximum. See Section- 36.08.30 for exceptions to height limits.	
Landscaping	Street and sidewalk	Minimum 10 ft. wide landscape screen shall be provided along the street in front of parking. Minimum 5 ft. wide landscape buffer shall be provided between the building and sidewalk where no street setback is required.
	Adjacent to residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter planting	Minimum 5 ft. wide screen planting shall be established along all interior property lines.
	Additional requirements	See Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and loading	See Article X (Parking and Loading).	
Signs	See Article XII (Signs).	

Other development standards and references	See Zoning Calculations: Methods, Definitions and Clarifications handout.”
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Section 16. Chapter 36, Article VI, Division 2, Section 36.20.05 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.20.05. - Industrial zone land use permit requirements.

The uses of land allowed by this ~~e~~Cchapter in each industrial zoning district are identified in the following tables as being:

- a. Permitted subject to compliance with all applicable provisions of this ~~e~~Cchapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the City Code (“P” uses on the tables). Per ~~Section-~~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”) (~~Section-~~ 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (~~Section-~~ 36.46).
- d. Land uses listed, as specifically defined in this ~~e~~Cchapter, 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 ~~Section-~~ 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 ~~Section-~~ 36.58.30 (Procedures for Interpretation).
- e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by ~~Section-~~ 36.06.40 (Determination of Allowable Land Uses) or 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY INDUSTRIAL DISTRICT

NOTE 1: Where the last column on the following tables (“See Section”) includes a section number, there are specific regulations in the referenced section that apply to the use and/or a specific definition of 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 REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
MANUFACTURING AND PROCESSING			
Assembly or packaging of previously prepared materials (i.e., cloth, plastic, paper, leather, precious or semiprecious metals/stones)	P		
Experimental, film or testing laboratories	P		
Food products	P		36.60.15
General manufacturing, including processing and assembly		P	
Industrial controls, motors, and generators		P	
Instruments for measurement, testing, analysis and control		P	
Manufacture of electric and electronic instruments and devices (i.e., television, radio and phonographic equipment)	P	P	
Optical instruments and lenses		P	
Pharmaceuticals	P		
Photographic equipment and supplies		P	
Primary production of wood, metal or chemical products from raw materials or any use listed as a conditional use in the ML district	P		
Printing, publishing and lithography	P		
Processing of products, assembly or creation of machinery, apparatus and supplies for the generation, storage, transmission and use of electrical energy and related industries		P	
Semiconductor fabrication		P	
Telephone apparatus		P	
Wholesaling and distribution	P	P	36.60.49, ML District: 36.20.15.a.2
RECREATION, EDUCATION AND PUBLIC ASSEMBLY			
Educational, public or quasi-public	CUP	CUP	MM District: 36.20.20.a.2
Child-care center	CUP	CUP	36.28.20, 36.20.10.g
Churches	CUP	CUP	36.20.10.e
Membership organization facilities and meeting halls, public halls	CUP	CUP	
Recreational, public or quasi-public	CUP	CUP	MM District: 36.20.20.a.2

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
RETAIL TRADE			
Drive-in and drive-through services	CUP	CUP	36.28.30, 36.20.10.f
Restaurants without beer and wine	P	CUP	36.20.10.b, ML District: 36.20.15.a.1
Restaurants serving liquor, without live entertainment	P	CUP	36.20.10.b
Restaurants serving liquor, with live entertainment, dancing	CUP	CUP	36.20.10.b
Retail stores, general merchandise	CUP	CUP	36.60.39 and 36.20.10.c
Warehouse retail	CUP	CUP	36.20.10.d and 36.30.40
TRANSPORTATION AND COMMUNICATION			
<u>Hydrogen fueling station</u>	<u>P</u>	<u>P</u>	<u>36.30.120</u>
Public and quasi-public utility and services	CUP	P	
Service station	CUP	CUP	36.30.15
SERVICES			
Animal service establishments		CUP	36.30.35
Auto wrecking yard		CUP	36.60.23
Banks and financial services	P	CUP	
Business support services		CUP	36.60.07
Cannabis business, nonstorefront retail	CUP	CUP	36.30.55, 36.60.03 and Chapter 9
Concrete mixing and asphalt mixing yards		CUP	
Data centers	P	P	ML District: 36.20.15.a.2
Junk yard, auto wrecking yard, tow yard		CUP	36.60.23
Office			36.60.33, MM District: 36.20.20.a.1
Office	P	CUP	
Administrative and executive	P	CUP	
Research and development	P	CUP	MM District: 36.20.20.a.3
Personal storage facility		P	36.60.35
Repair and maintenance—vehicle, minor repair		CUP	36.30.25, 36.60.39 and Chapter 39
Repair and maintenance—vehicle, major repair		CUP	36.30.25, 36.60.39 and Chapter 39
Storage		P	
Warehousing	P	P	ML District: 36.20.15.a.2

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
OTHER USES			
Crop, tree farming, livestock	P	P	36.20.10.a
Emergency shelters	CUP	P	36.28.60
<u>Low-barrier navigation center</u>	<u>CUP</u>	<u>P</u>	<u>36.28.60</u>
<u>Safe parking</u>	<u>CUP</u>	<u>CUP</u>	<u>36.32 and Chapter 19</u>
Railroad yards, freight stations, trucking and motor freight stations		P	
<u>Safe parking</u>	<u>CUP</u>	<u>CUP</u>	<u>36.32 and Chapter 19</u>
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	

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 Section <u>tion</u> - 36.60.03 for definitions of land uses”		

Section 17. Chapter 36, Article VI of the Mountain View City Code is hereby amended to add a new Division 4 and retitle to Industrial Zone General Development Standards, to renumber the current Division 4 to Division 5 (Limited Industrial (ML) Zoning District Standards), and to amend newly renumbered Division 5 to read as follows:

DIVISION 4. INDUSTRIAL ZONE GENERAL DEVELOPMENT STANDARDS

SEC. 36.20.25. - General development standards for industrial zones.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements in all industrial zones.

- a. Facility upgrading required. Any major alteration or expansion (as determined by the zoning administrator) that requires development review shall incorporate measures to upgrade all existing facilities (e.g., structures, parking, landscaping, signs, etc.) to the extent feasible within lot constraints to the current standards of this Chapter.
- b. Storage. Exterior storage shall be screened by fencing or landscaped treatment so as not to be visible from the public right-of-way or adjacent properties.

- c. **Rooftop equipment.** All rooftop equipment must be screened on all sides with an opaque screen, parapet or architectural feature that is compatible with the building materials, form and design at a height equal to or greater than the installed equipment height. Exceptions to height limits for screening are set forth in subsection 36.08.30(e).
- d. **Ground-level equipment.** All exterior ground-level equipment must be fully screened and located within an enclosure constructed of solid masonry or other suitable building materials consistent with the on-site building materials, form and design at a height to fully screen the equipment, but no taller than eight (8) feet in height. On a case-by-case basis, the zoning administrator may consider and approve additional height to further screen the equipment. Ground-level equipment may include, but is not limited to, ground-water pumping equipment, generators and specialty mechanical equipment.
- e. **Trash enclosure.** Trash enclosures shall be provided in all projects and shall be constructed of solid masonry or other suitable building materials, consistent with the building on-site, and shall be a minimum of six (6) feet in height, with solid, view-obstructing gates and a concrete pad in front to accommodate lifting and dropping of the dumpster. Trash enclosures shall be located in inconspicuous locations.
- f. **Fences or walls.** Any fences or walls in required setbacks, other than front and street side setback areas, may not exceed seven (7) feet in height, subject to development review (see Section 36.44.45). On a case-by-case basis, the zoning administrator may consider and approve fences or walls of additional height to meet business security needs.
- g. **Late-night use and activities.** The following standards apply to businesses abutting (either adjacent to or across the street from) residentially zoned properties with ongoing operations or activities between 11:00 p.m. and 6:00 a.m.
1. **Businesses abutting residentially zoned properties that are open or have ongoing activities between the hours of 11:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise from any sources during those hours.**
 2. **Upon substantial evidence that businesses' ongoing operations between the hours of 11:00 p.m. and 6:00 a.m. are creating excessive noise, the zoning administrator shall hold a public hearing in accordance with Section 36.48 (Conditional Use Permit) and may apply additional or modified conditions of approval necessary to ensure the operation is compatible with the adjoining residentially zoned property. Said use permit shall be limited to operations or activities occurring between 11:00 p.m. and 6:00 a.m.**
- h. **Facade and site modifications.** Per Section 36.44.45, development review approval is required for exterior modifications to existing structures and site changes (including, but not limited to, new or modified landscaping, fencing, changes to parking lot striping or

circulation). Exterior modifications performed and/or constructed without appropriate approvals shall require approval through development review of the alteration(s) or to return the building to its original condition. The zoning administrator may require additional improvements to make the building conform to acceptable standards for the area or zone district. Exterior modifications include, but are not limited to, the covering or blocking of window openings, which shall retain visibility between interior and exterior activities unless a permit for exterior modification has been approved through this process.

DIVISION 45. LIMITED INDUSTRIAL (ML) ZONING DISTRICT STANDARDS

SEC. 36.20.2530. - ML zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

ML ZONE DEVELOPMENT STANDARDS

Other References	See Zoning Calculations: Methods, Definitions and Clarifications.	
Lot Area	40,000 sq. ft. minimum.	
Lot Width	None.	
Floor Area Ratio	For industrial, office and warehouse retail buildings: 0.35 maximum; For warehousing: 0.40 maximum. Any building area for child-care facilities approved pursuant to Section 36.20.10.g shall not be included in the floor area ratio.	
Setbacks	The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks.	
	Front	Average building setback of 30 ft. with a minimum no less than 20 ft.
	Sides	An aggregate side yard width of 30 ft. with no minimum requirement on any side except as may be required by site plan and architectural approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration. On corner lots, a minimum 10 ft. street side setback is required.
	Rear	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
Height Limits	See Section 36.08.30 for exceptions to height limits.	
	None; provided, however, that all sides of buildings except the front shall be confined within inclined planes sloping inward at a ratio of 1 ft. vertically	

	to 2 ft. horizontally; such planes beginning directly above property lines at a height 40 ft. above the average grade along that line.
Landscaping Required	<p>Total Site. A minimum landscaped area of 15% of the lot area of interior lots and 20% of corner lots shall be provided.</p> <p>Front Yard. A total of at least two-thirds (2/3) of the required front yard area shall be landscaped with suitable planting.</p> <p>Corner Lots. On corner lots there shall be a minimum landscaped side yard on the side abutting the street right-of-way of 10 ft.</p>
	Public parking areas abutting residentially zoned parcels shall have an acoustically designed 7 ft. high wood or decorative masonry wall, to properly screen the parking area(s), subject to approval by the zoning administrator, who may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.
Parking	Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping. See Article X (Parking and Loading) for additional requirements.
Signs	See Article XII (Signs).
Other Development Standards	<p>Rooftop equipment. All roof equipment must be screened with an opaque screen to be compatible with the building materials, form and design.</p> <p>Trash enclosure. Any trash containers must be within an opaque enclosure.</p> <p>Fences and walls. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Section 36.44.45). On a case by case basis, the zoning administrator may consider fences or walls of additional height.</p>

SEC. 36.20.3035. - Development review required.

Development review approval is required as provided in ~~City Code~~ Section 36.44.45.”

Section 18. Chapter 36, Article VI, Division 5, Sections 36.20.35 and 36.20.40 of the Mountain View City Code are hereby amended and renumbered to create a new Division 6 to read as follows:

“DIVISION 56. GENERAL INDUSTRIAL (MM) ZONING DISTRICT STANDARDS

SEC. 36.20.3540. - MM zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

MM ZONE DEVELOPMENT STANDARDS

Other References	See Zoning Calculations: Methods, Definitions and Clarifications.	
Lot Area	20,000 sq. ft. minimum, unless 40,000 sq. ft. is required.	
Lot Width	None.	
Floor Area Ratio	For industrial, office and warehouse retail: 0.35 maximum; For warehousing: 0.45 maximum; and For personal storage facilities: 0.55 maximum. The building area for child-care facilities approved pursuant to Section 36.20.10.g shall not be included in floor area ratio calculations.	
Setbacks	The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building’s setbacks.	
	Front	25 ft. minimum.
	Sides	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
	Rear	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
Height Limits	See Section 36.08.30 for exceptions to height limits.	
	None; provided, however, that no structure shall exceed 50 ft. in height if located within 200 ft. of any R district.	
Landscaping Required	Total Site. A minimum landscaped area of 10% of the lot shall be provided. Front Yard. At least 50% of the required front yard area which must be landscaped. Corner Lots. On corner lots there shall be a minimum landscaped side yard on the side abutting the street right-of-way of 10 ft.	
	Public parking areas abutting residentially zoned parcels shall have an acoustically designed 7 ft. high wood or decorative masonry wall, to properly	

	screen the parking area(s), subject to approval by the zoning administrator, who may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.
Parking	Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping. See Article X (Parking and Loading) for additional requirements.
Signs	See Article XII (Signs).
Other Development Standards	Storage. Exterior storage shall be screened by fencing or landscaped treatment in such a manner as not to impair adjoining property values. Roof Screen. All roof equipment must be screened with an opaque screen designed to be compatible with the building materials, form and design. Trash Enclosure. Any trash containers must be within an opaque enclosure. Fences or Walls. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Section 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

SEC. 36.20.4045. - Development review required.

Development review approval is required as provided in ~~City Code~~ Section 36.44.45.”

Section 19. Chapter 36, Article VIII, Division 1, Section 36.24.10 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.24.10. - Principal permitted uses.

- a. Agriculture, except those specified in Section 36.24.20.
- b. Ranch and farm dwellings appurtenant to a principal agricultural use.
- c. Public parks and recreation areas.
- d. Single-family residence.
- ~~e. Employee housing consistent with Government Code Section 17021.”~~

Section 20. Chapter 36, Article VIII, Division 2, Section 36.24.55 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.24.55. - Conditional uses.

- a. Private schools and public schools intended to serve a broader population than the immediately surrounding neighborhood.
- b. Any other public and quasi-public buildings and the uses of a recreational, educational, religious, cultural or public service type, not specifically mentioned above, including public

utility buildings, structures and uses; but not including corporation storage or repair yards, warehouses and similar uses unless the adjacent zoning is industrial.

- c. Temporary private and quasi-public office and studio uses of low intensity, providing space for artists, dance, music, or theater and low-intensity private office use, with adherence to the following guidelines:
 1. Usage shall be conducted in existing buildings or facilities, and no major renovation of the facilities or new building construction shall be permitted.
 2. Private uses shall be low-intensity, involving little public interaction, minimum traffic generation, and general compatibility with surrounding uses.
 3. Approval shall be limited to a maximum of five (5) years, subject to renewal with application.
 4. No additional parking or major modification of the parking facilities is needed in order to accommodate the use.
 5. Outside activity producing noise or visual problems shall be limited, and there shall be no outside storage of any materials.
 6. Public events, including sale of items made on the premises, shall be limited and specified within the conditional use permit.
 7. The continued maintenance and availability of open lands for public use shall be assured.
- d. Child-care centers that do not comply with the standards in Section 36.24.45.g.
- e. Emergency shelters and low-barrier navigation centers in compliance with Sec. 36.28.60 Division 10 of Article IX of this Chapter.
- f. Safe parking in compliance with Sec. 36.30.90 Division 22 of Article IX of this Chapter and Chapter 19 of the city code.

Section 21. Chapter 36, Article IX, Division 10 Sections 36.28.60 through 36.28.70 of the Mountain View City Code are hereby amended to read as follows:

DIVISION 10. EMERGENCY SHELTERS AND LOW-BARRIER NAVIGATION CENTERS

SEC. 36.28.60. - Emergency shelters and low-barrier navigation centers.

SEC. 36.28.65. - Purpose.

The ~~following provisions~~ purpose of the emergency shelter regulations is to establish standards for ~~the city review of~~ emergency shelters, in conformance with state law, to facilitate the development of, or conversion of existing facilities to, an emergency shelter. The purpose of the low-barrier navigation center regulations is to establish standards to ensure that low-barrier navigation centers are developed and operated consistent with the requirements of Article 12, Chapter 3, Division 1 of Planning and Zoning Law commencing with Government Code Section 65660, as may be amended.

SEC. 36.28.70. - ~~Applicability~~ Development and operational standards.

a. Emergency shelters. Emergency shelters shall be permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables and shall comply with the following standards:

1.a. Property development standards. The shelter shall conform to all property development standards of the zoning district.

2.b. Management. The shelter shall have a twenty-four (24) hour, professional on-site management.

3.c. Security. The shelter shall have on-site security and/or security cameras.

4.d. Lighting. The shelter shall have adequate outdoor lighting for security purposes.

5.e. Length of stay. The shelter shall be available to residents for thirty (30) days. Extensions up to a total of one hundred eighty (180) days may be provided by the on-site manager if no alternative housing is available.

6.f. Maximum number of persons/bed. The shelter shall contain a maximum number of one hundred fifty (150) beds and shall serve no more than one hundred fifty (150) homeless persons.

7.g. Waiting and intake areas. The shelter shall have a private area to receive clients.

8.h. On-site parking. The shelter shall provide for thirty-five-hundredths (0.35) parking space per individual bed plus one (1) additional space per employee.

9.i. Common facilities. The shelter may provide one (1) or more of the following specific facilities for the exclusive use of the residents and staff:

(a)1. Central cooking and dining room;

(b)2. Recreation room;

- ~~(c)3.~~ Counseling center;
- ~~(d)4.~~ Child-care facilities;
- ~~(e)5.~~ Laundry facilities; and
- ~~(f)6.~~ Other support services.

b. **Low-barrier navigation centers.** These centers shall be permitted or conditionally permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables, is consistent with the development standards of the underlying zoning district and shall comply with the following standards:

1. **Connected services.** The center offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. **Coordinated entry system.** The center is linked to a coordinated entry system so that staff in the center may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment and referrals.
3. **Code compliant.** The center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. **Homeless management information system.** The center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.”

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

**DIVISION 11. HOME OCCUPATIONS, COTTAGE FOOD OPERATIONS,
AND MICROENTERPRISE HOME KITCHEN OPERATIONS**

SEC. 36.28.75. - Home occupations.

SEC. 36.28.80. - Purpose and application.

Purpose. The following provisions allow for home occupations that are secondary to, and compatible with surrounding residential uses.

Application. Business licenses are required for home occupations, which are permitted as accessory uses in all residential zoning districts. A statement of compliance with the following operating standards shall be signed prior to issuance of the business license.

SEC. 36.28.85. - General ~~O~~perating standards.

~~Home~~ All home occupations, ~~including cottage food operations (unless expressly exempt otherwise),~~ shall comply with all of the following ~~general~~ operating standards, unless expressly exempt as stated in this Section:

- a. The home occupation is clearly secondary to the full-time use of the structure as a residence;
- b. The use does not require a modification not customarily found in a dwelling, nor shall the use be visible from the street or from neighboring properties;
- c. There is no window display, advertising sign or other identification of the home occupation on the premises;
- ~~d. The home occupation, excluding cottage food operations, shall be confined completely to one (1) room within the dwelling, or to the garage, or other accessory structure. Cottage food operations are limited to the registered or permitted area by the County of Santa Clara Department of Environmental Health. No use may eliminate any required parking;~~
- ed. No home occupation use may eliminate any required parking. Excluding microenterprise home kitchen operations, ~~O~~only one (1) vehicle with a capacity no greater than three-quarter (3/4) ton may be used by the occupant directly or indirectly in connection with a home occupation;
- fe. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive or hazardous materials unless specifically approved by the fire department, in compliance with Chapter 24 of the City Code;
- ~~g. Excluding cottage food operations, no use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances. Cottage food operations shall not create noise beyond the property line and may only create odors, fumes, smoke or secondary effects consistent with the registered or permitted operation; and~~
- hf. Excluding microenterprise home kitchen operations, ~~F~~the home occupation shall not generate more than five (5) additional pedestrian or vehicular trips in excess of that customarily associated with the residential use in the zoning district in which it is located, and no more than two (2) deliveries per day.

- g. Operators of a home occupation must have and maintain a valid business license with the city.

SEC. 36.28.88. - Specific operating standards.

The following home occupations shall be subject to specific operating standards in addition to the general operating standards set forth in Section 36.28.85.

- a. **Cottage food operations.** A cottage food operation (CFO) shall comply with all of the following additional standards and regulations:

1. The use shall not create noise beyond the property line in accordance with Section 21.26 of the city code and may only create odors, fumes, smoke or secondary effects consistent with the registered or permitted operation;
2. Operations shall be limited to the area approved for a CFO under a valid permit from the County of Santa Clara Department of Environmental Health;
3. A microenterprise home kitchen operator cannot also obtain a license for a CFO; and
4. On-site dining is not permitted.

- b. **Microenterprise home kitchen operations.** A microenterprise home kitchen operation (MEHKO) shall comply with all of the following additional standards and regulations:

1. Comply with the requirements of Health and Safety Code Section 113825;
2. A cottage food operator cannot also obtain a license for a MEHKO;
3. The use shall not create noise beyond the property line in accordance with Section 21.26 of the city code and may only create odors, fumes, smoke or secondary effects consistent with the registered or permitted operation. An operator may have an open-air barbecue or outdoor wood-burning oven, pursuant to requirements of Health and Safety Code Section 114143;
4. Operations shall be limited to the area approved for a MEHKO under a valid permit from the County of Santa Clara Department of Environmental Health; and
5. On-site dining is permitted in compliance with occupancy limits of Chapter 8 of the city code. If outdoor dining is proposed, operations must be confined within a fenced rear yard and be limited to the hours of 8:00 a.m. to 9:00 p.m.

c. All other home occupations. For all other home occupations, excluding cottage food operations and microenterprise home kitchen operations, the following additional regulations apply:

1. No use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference or other hazards or nuisances.
2. The use shall be confined completely to one (1) room within the dwelling or to the garage or other accessory structure.

SEC. 36.28.90. - Prohibited home occupation uses.

The following uses are found to be not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:

- a. Adult entertainment establishments;
- b. Dance or night clubs;
- c. Medical services (not including chiropractors and counselors/psychotherapists);
- d. Mini storage;
- e. Storage of equipment, materials, and other accessories for the construction and service trades;
- f. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
- g. Welding and machining;
- ~~h. On-site dining for cottage food operations;~~
- ih. Cannabis businesses;
- ji. Sale, lease, delivery, transfer, commercial storage, or commercial bailment of firearms or ammunition; and
- kj. Any other use determined by the zoning administrator not to be incidental to or compatible with residential activities.”

Section 23. Chapter 36, Article IX of the Mountain View City Code is hereby amended to add a new Division 24 to read as follows:

DIVISION 24. HYDROGEN FUELING STATIONS

SEC. 36.30.120. - Regulations.

Hydrogen fueling stations must comply with the following requirements:

- a. Meet the requirements of Government Code Section 65850.7;
- b. Comply with Section 21.26 of the city code;
- c. Shall not be located in a manner which blocks or impedes vehicle circulation, fire and emergency access, solid waste and recycling truck access or a required loading zone(s);
- d. Shall avoid removal of an existing heritage tree(s), as defined in Section 32.23 of the city code.

SEC. 36.30.125. - Permit requirements.

Hydrogen fueling stations shall be permitted in accordance with the land use regulations in the designated zoning districts as specified in the applicable land use tables with a building permit if in compliance with all applicable requirements per Section 36.30.120 and is located on:

- a. A site in a commercial or industrial zoning district with no existing residential units on-site;
or
- b. A site that previously had an existing service station.

All other hydrogen fueling station locations which do not comply with subsection a or b above shall require a conditional use permit subject to the provisions of Division 6 (Conditional Use Permits) of Article XVI and any other permit as may be required by this Chapter.”

Section 24. 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 ~~s~~Section, inclusive of accessible and electric vehicle (EV) charging spaces required per Chapter 8 of the ~~C~~city ~~C~~code.

- a. **Uses not listed.** Land uses not specifically listed ~~by the following in~~ subsection ~~b-c~~ 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-c~~ 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 near major transit stops.

1. No minimum number of parking spaces are required for residential or nonresidential development on properties located within one-half (1/2) mile of a major transit stop as defined in Section 22155 of the Public Resources Code, unless the city makes written findings in accordance with Government Code Section 65863.2(b).
2. Subsection 1 above shall not apply to a project where any portion is designated for use as a hotel (except a residential hotel as defined in Section 50519 of the Health and Safety Code), motel, bed and breakfast inn or other transient lodging (i.e., short-term rentals), which shall instead meet the minimum number of parking spaces required for each applicable use in subsection c. below. Notwithstanding subsection 1, an event center shall provide parking as required for employees and other workers.
3. Any new development exempt from minimum parking standards per Government Code Section 65863.2(f) must provide electric vehicle equipment-installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this Section did not apply.
4. If parking is provided voluntarily under subsection 1, the city may impose requirements for carshare vehicles, require spaces for public use or require parking owners to charge for parking.

bc. **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

Land Use Type	Vehicle Spaces Required		Bicycle Spaces Required
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	1 space per unit, except if compliant with Section 36.12.75		None
<u>Affordable housing development (100% affordable units, excluding manager units)</u>	<u>No minimum required</u>		<u>1 space per unit; and 1 space per 20 units for guests</u>
Dual urban opportunity development	1 covered space per unit, except if compliant with Section 36.13.75.		None
Multi-family dwellings	Studio unit	1.5 spaces per unit, 1 space shall be covered	1 space per unit (refer to Section 36.32.85.a.1)
	1-bedroom unit less than or equal to 650 square feet	1.5 spaces per unit, 1 space shall be covered	
	1-bedroom unit greater than 650 square feet	2 spaces per unit, 1 space shall be covered	
	2 bedrooms or more	2 spaces per unit, 1 space shall be covered	
	Guest	15 percent of the parking spaces required for the project shall be conveniently located for guest parking. The zoning administrator may increase the parking requirement to 2.3 spaces per unit if needed to ensure adequate guest spaces	1 space per 10 units
Rooming and boarding houses	Parking study required		Parking study required

Land Use Type	Vehicle Spaces Required		Bicycle Spaces Required
Rowhouse developments	Studio unit	1.5 spaces per unit, 1 space shall be covered	1 space per unit
	1-bedroom or more	2 covered spaces	
	Guest	<u>Guest parking shall equal, in total, an additional 0.3 space for each unit</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	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

Land Use Type	Vehicle Spaces Required	Bicycle Spaces Required
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	

Land Use Type	Vehicle Spaces Required	Bicycle Spaces Required
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 25. Chapter 36, Article X, Division 4, Section 36.32.65 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.32.65. - Parking reduction.

The zoning administrator may grant a reduction in off-street parking requirements in compliance with ~~Section 36.48~~ Division 6 of Article XVI (Conditional Use Permits). The applicant shall provide evidence to demonstrate, to the satisfaction of the zoning administrator, that changes in conditions or issues justify such reduction and will not result in a parking deficiency.”

Section 26. Chapter 36, Article X, Division 4 of the Mountain View City Code is hereby amended to add a new Section 36.32.67 to read as follows:

“SEC. 36.32.67. - Parking reduction exemptions from a conditional use permit.

The following parking reductions do not require a conditional use permit and may instead be approved as described in this Section:

- a. Electric vehicle charging stations. In accordance with Government Code Sections 65850.7 and 65850.71, the removal, reduction or elimination of any required off-street parking space(s) at an existing site to accommodate the installation of a new or upgraded electric vehicle charging station(s) and associated equipment is permitted if deemed necessary for installation. The reduction in the number of required parking spaces must be the minimal amount necessary to accommodate the electric vehicle charging station and equipment. No zoning permit is required.

- b. **Additional bedrooms within existing multiple-family residential units.** In accordance with Government Code Section 65850.02, where up to two (2) new bedrooms are created within an existing multi-family residential unit which impacts the required number of parking spaces on the subject parcel, the zoning administrator may grant a reduction in off-street parking requirements per the procedures of Division 2 of Article XVI (Development Review Process) if the applicant provides sufficient evidence demonstrating no additional parking spaces can be accommodated on-site in compliance with the standards of this Chapter and the city code. If the addition of new bedrooms does not impact the required number of parking spaces on the subject parcel, no zoning permit is required.”

Section 27. Chapter 36, Article X, Division 6, Section 36.32.85 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.32.85. - Bicycle parking facilities.

Bicycle parking facilities shall be provided in compliance with this ~~s~~Section and the Bicycle Parking Guidelines provided by the community development department.

a. **Classification of bicycle parking facilities.**

1. **Class I facilities.** Intended for long-term parking (e.g., for employees); protects against theft of entire bicycle and of its components and accessories. The facility shall also protect the bicycles from inclement weather, including wind-driven rain. ~~Three (3)~~ ~~and~~ design alternatives for Class I facilities are as follows:
 - (a) **Bicycle locker.** A fully enclosed, weather-resistant space accessible only by the owner or operator of the bicycle. Bicycle lockers may be premanufactured or designed for individual sites. All bicycle lockers shall be fitted with key locking mechanisms. This is the preferred Class I facility;
 - (b) **Restricted access.** ~~Class I-I~~ bicycle parking facilities located within an interior locked room or locked enclosure accessible by key only to the owners or operators of the bicycles parked within. The maximum capacity of each restricted room or enclosure shall be ten (10) bicycles; ~~and~~
 - (c) **Enclosed cages.** An exterior enclosure for individual bicycles, where contents are visible from the sides but the top is covered, and which can be securely locked by a user-provided lock. This type of facility is only to be used for retail and service uses and multiple-family development; ~~;~~ or
 - (d) **Other.** Class I facilities other than lockers, restricted access rooms or enclosed cages, but providing the same level of security, may be approved by the zoning administrator. A written building management policy of permitting bicycles to

be stored in private offices or multi-family dwellings (including apartments, townhomes and condominiums), or in designated areas within the structure where adequate security is provided, may be approved by the zoning administrator as an alternative to Class I facilities.

2. **Class II and Class III facilities.** Intended for short-term parking (e.g., for shoppers, visitors). A stationary object to which the user can lock the frame and both wheels. Should be protected from weather whenever possible. The zoning administrator may require either a Class II or Class III facility depending on where the facilities are to be located.
 - (a) **Class II.** Class II facilities are designed so that the lock is protected from physical assault and, therefore, the facility need not be within constant visual range. A Class II rack shall accept padlocks and high-security, U-shaped locks.
 - (b) **Class III.** Class III facilities are less secure and, therefore, shall be within constant visual range of persons within the adjacent structure or located in well-traveled pedestrian areas.

b. **Bicycle parking design standards:**

1. **Clearance.** Class I(b), Class II and Class III facilities shall provide at least a twenty-four (24) inch clearance from the centerline of each adjacent bicycle, and at least eighteen (18) inches from walls or other obstructions;
2. **Aisle.** An aisle or other space shall be provided for bicycles to enter and leave the facility. This aisle shall have a width of at least five (5) feet to the front or the rear of a standard six (6) foot bicycle parked in the facility;
3. **Building entrance—Class I.** Class I facilities at employment sites shall be located near the structure entrances used by employees;
4. **Building entrance—Class II and III.** Class II or Class III facilities intended for customers or visitors shall be located near the main structure used by the public;
5. **Paving.** Paving of bicycle parking areas is required;
6. **Convenience.** Convenient access to bicycle parking facilities shall be provided. Where access is via a sidewalk or pathway, curb ramps shall be installed where appropriate;
7. **Lighting.** Lighting shall be provided in all bicycle parking areas. In both exterior and interior locations, lighting of not less than one (1) footcandle of illumination at ground level shall be provided; and

8. **Review.** The zoning administrator shall have the authority to review the design of all bicycle parking facilities required by this ~~s~~Section with respect to safety, security and convenience. The zoning administrator shall consider the bicycle parking guidelines in determining the type, location and design of bicycle parking facilities.
- c. **Number and type of bicycle spaces required.** The following standards shall apply:
 1. **Number of bicycle parking spaces.** The number of bicycle parking spaces required is determined by Section 36.32.50 (Required Parking Spaces); and
 2. **Class of bicycle parking spaces.** The zoning administrator may require that a certain percentage of the spaces be Class I, Class II or Class III depending on the potential users. The zoning administrator shall use the Bicycle Parking Guidelines in determining the appropriate proportions of each class.
 - d. **Showers and changing room standards.** Two (2) employee shower and changing room facilities, one (1) each for male and female employees, shall be provided for any new structure constructed or for any addition to or enlargement of ~~f~~; any existing structure requiring over two hundred (200) employee parking spaces. This requirement is applicable to industrial, research and development, corporate office and similar high-employment businesses. The floor area used for shower and changing rooms shall not be included in the calculations for floor area ratio limits.”

Section 28. Chapter 36, Article XVI, Division 1, Section 36.44.10 through 36.44.20 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.44.10. - Review authority.

The following sections describe the duties and powers of city officials and administrative bodies responsible for acting on the land use permits and entitlements contained in this ~~e~~Chapter.

Amendments to the zoning ordinance text, rezonings or zoning map amendments, adoption or amendment of precise plans and amendments to the general plan are legislative acts reviewed by the environmental planning commission with final determination by the city council. In addition to the authority specifically described below, the zoning administrator may, in accordance with ~~Section-~~ 36.44.45, designate other community development staff to review projects and issue zoning permits for projects not requiring public hearings. Each of the city officials and administrative bodies with final decision authority as listed below shall have the power to approve, conditionally approve or disapprove projects, permits and amendments. A summary of the review authority described in this ~~a~~Article is given in Table 36.44-1.

**Table 36.44-1
Review Authority**

Type of Permit or Decision	<u>Community Development Director</u>	Subdivision Committee	<u>Development Review Committee</u>	Zoning Administrator	Environmental Planning Commission ¹	City Council
CEQA				F /R/ E	R	F
Conditional use permits			R	F		A
Development agreements				R		F
Development review			R	R /F/ R		F/A
Extensions				F		A
General plan amendments					R	F
Interpretations				F		A
Lot line adjustments⁴		F				A
<u>Ministerial housing approvals²</u>	F					
Mobile home park permit			R	F		A
Planned unit development permits			R	F		A
Planned community permits			R	R/F	R	F
Precise plans					R	F
Special design permit			R	F		A
Subdivisions ²³						
<u>Lot line adjustment</u>	F					A
Parcel maps		F				A
Tentative tract maps		R				F
<u>Subdivision extensions³</u>		F				F /A

Type of Permit or Decision	<u>Community Development Director</u>	Subdivision Committee	<u>Development Review Committee</u>	Zoning Administrator	Environmental Planning Commission ¹	City Council
Temporary use permits				F		A
Variances			R	F		A
Zoning map and/or text amendments					R	F
<u>Zoning permit extension</u>				F		A

Key: R—Review and recommendation body
 F—Final decision-making body
 A—Appeal body

¹ Refer to the administration section of precise plans for further information on items reviewed by the environmental planning commission and Sections 36.44.15 and 36.44.25 regarding concurrent reviews by the environmental planning commission.

² State-mandated housing approvals.

⁴³ Listed for reference only. Refer to subdivision regulations in Chapter 28 of the city code.

SEC. 36.44.15. - Zoning administrator.

- a. **Appointment.** The zoning administrator shall be appointed by the city manager. The city manager may authorize the community development director to appoint deputy zoning administrator(s).
- b. **Duties and powers.** The zoning administrator shall perform the duties prescribed in this Chapter as designated in precise plans and as assigned by the community development director. The duties shall include, but are not limited to, the power to do all of the following:
 1. Make recommendations to the city council on planned community permits when specified by a precise plan;
 2. Oversee ~~the development review committee (DRC)~~ design review for all zoning permits under the review authority of the zoning administrator as referenced in Section 36.44.20;
 3. Approve:
 - (a) Single-family residential major floor area ratio exceptions_{7i}
 - (b) Temporary use permits_{7i}

- (c) Variances⁷ⁱ
 - (d) Planned unit development permits⁷ⁱ
 - (e) Conditional use permits⁷ⁱ
 - (f) Special design permits⁷ⁱ
 - (g) Applications for development review⁷ⁱ
 - (h) Permit extensions⁷ⁱ
 - (i) Mobile home park permits⁷ⁱ
 - (j) Planned community permits when allowed by a precise plan⁷ⁱ
 - (k) Interpretation of this ~~e~~Chapter⁷ⁱ and
 - (l) California Environmental Quality Act (CEQA) determination for these items⁷ⁱ
4. Refer any application for permit or entitlement to the city council for final action; and
 5. Adopt rules of procedure for detailed application format, meeting process or other detailed procedures consistent with this aArticle.
- c. **Meetings.** The zoning administrator shall hold regularly scheduled hearings open to the public at dates, times and places determined and posted by the zoning administrator.
- d. **Concurrent processing.** In lieu of a separate administrative zoning public hearing, the zoning administrator shall refer any zoning permit application being processed concurrently with a general plan amendment, amendment to the text of the zoning ordinance, amendment to the zoning map⁷ or new or amended precise plan to the environmental planning commission for concurrent review and recommendation to the city council.

~~SEC. 36.44.20. Development review committee (DRC).~~

- a. ~~**Appointment and membership.** The DRC shall consist of the following members:~~
- ~~1. The zoning administrator, or designee, who shall serve as the chairperson and secretary;~~
 - ~~2. One (1) or more professional architects, serving as consultants, appointed by the community development director; and~~
 - ~~3. Other city department directors or their designees (public works, fire, police, community services, etc.), as needed.~~
- b. ~~**Duties and powers.** The duties and responsibilities of the DRC shall be to review the site, architectural and landscaping design of new development and improvements of development applications referred by the zoning administrator, provide applicants with appropriate design comments and make recommendations to the zoning administrator.~~

~~c. **Meetings.** The DRC shall hold regularly scheduled meetings open to the public at dates, times and places determined and posted by the zoning administrator.~~

SEC. 36.44.20. - Design review.

The zoning administrator shall establish procedures for review of the site, architectural and landscape design of development applications, which includes, but is not limited to:

a. **Assigning oversight of the design review of projects to a deputy zoning administrator;**

b. **Hiring one (1) or more professional architects to serve as consultant(s); and**

c. **Holding regularly scheduled meetings that are open to the public.”**

Section 29. Chapter 36, Article XVI, Division 1, Sections 36.44.35 and 36.44.40 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.44.35. - City council.

a. **Powers.** The city council shall have final authority for:

1. Appeals on determinations by the subdivision committee, ~~development review committee~~ and zoning administrator;
2. Tentative and final subdivision maps;
3. Planned community permits when specified within the applicable precise plan;
4. Any permit or entitlement application referred to the council by the zoning administrator;
5. Street plan lines;
6. Precise plans;
7. General plan amendments;
8. Zoning map amendments;
9. Zoning chapter text amendments; and
10. CEQA determinations for these items.

If, on ~~i~~tems 5 through 10, the city council is contemplating approving an action significantly different than the recommendation from the environmental planning commission, the council may, by majority vote, return the item back to the commission for reconsideration and recommendation. The council may specify a time period by which the commission is to return their recommendation back to the council.

SEC. 36.44.40. - Preapplication ~~conference meeting and informal application.~~

A prospective applicant is encouraged to request a preapplication ~~conference meeting~~ with the ~~community development~~ department prior to formal submittal of a permit application. The purpose of this ~~conference meeting~~ is to inform the applicant of requirements that apply to the proposed development project, review the procedures outlined in this ~~e~~Chapter, examine possible alternatives or modifications and identify any technical studies relating to future environmental or project permit review. The community development director may require a preapplication ~~conference meeting~~ for controversial or complex projects.

~~In addition to or prior to the preapplication meeting, a prospective applicant with authorization of the property owner(s) may submit an informal application together with the filing fee as established by resolution of the city council, conceptual plans and materials to the community development department. The purpose of the informal application review is to identify applicable development standards, guidelines, and city regulations for the proposed project, receive preliminary feedback on compliance and understand the permits required for the prospective project.”~~

Section 30. Chapter 36, Article XVI, Division 2, Section 36.44.50 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.44.50. - Purpose and intent.

The purpose and intent of the development review ~~section~~regulations in this Division is to establish procedures for the discretionary review of development throughout the city in order to ensure that new development and changes to existing developments: (1) comply with city development requirements and policies; (2) maintain or enhance the appearance of the community; (3) maintain property values through quality development; (4) ensure compatibility of private development with surrounding properties and neighborhoods, public rights-of-way and other facilities; and (5) in reviewing new residential development, strong emphasis is given to the compatibility of the new development with the surrounding development, including its intensity, density, scale, bulk, height, setbacks, open space, building orientation and architectural style and design. The surrounding development refers to building types, as opposed to styles, and a larger area than immediately adjacent development. ~~In some cases, compatibility with surrounding development may dictate that a residential development may not be allowed at the maximum density permitted by the zone district.”~~

Section 31. Chapter 36, Article XVI, Division 2, Sections 36.44.60 and 36.44.65 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.44.60. - Exemptions.

Zoning permits are not required for the following developments and improvements:

- a. Any exterior or site modification that the zoning administrator determines is minor, including, but not limited to, minor changes to building color, minor changes to a landscaping plan, restriping parking lots to match previously approved plans, ~~or~~ minor adjustments to doors and windows, new or replaced roof equipment and a new or modified roofscreen(s) or parapet(s) consistent with height limitations of this Chapter;
- b. Construction of, ~~or~~ additions and improvements to conforming single-family or two (2) family structures that comply with the provisions of this ~~Chapter;~~
- c. Interior improvements;
- d. Construction of fences and entry features over front yard gates that comply with height, width and depth requirements in Section 36.06.50; and
- e. Establishment of new tenants with the same or similar use, ~~with~~ no exterior changes.

SEC. 36.44.65. - Development review procedures.

Preliminary development review through a preapplication ~~conference meeting or submittal of an informal application~~ (see ~~Section-~~ 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, including design review.

- a. **Administrative procedures.** Applications with complete materials for simple requests, in full compliance with this Chapter 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 Chapter;
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 ~~S~~subsection 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 ~~Section~~ 36.06.60);
12. Modifications to residential structures for reasonable accommodations (see ~~Section~~ 36.08.40);
13. Multi-family accessory structure(s); ~~and~~
14. New or modified outdoor dining located on private property. This includes outdoor dining located within the downtown precise plan-; ~~;~~
15. New or modified merchandise displays located on private property within the downtown precise plan-; ~~;~~ and
16. Parking reductions associated with an increase in bedrooms within an existing multiple-family residential dwelling unit per Section 36.32.70.

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 design review as part of the development review process ~~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; ~~and~~

~~9. The moving or relocation of a building per Division 7 of Article III of this Chapter.~~

- 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 32. Chapter 36, Article XVI, Division 4, Sections 36.46.55 and 36.46.60 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.46.55. - Hearings and action.

Upon receipt of a complete variance application in proper form, the zoning administrator shall hold a duly noticed public hearing in accordance with Section 36.56 (Applications, Hearings and Appeals).

To ensure effective implementation of general plan policies relating to design, each application for a variance involving any exterior modification shall be reviewed ~~for by the development review committee. The development review committee shall make a recommendation regarding~~ the design quality of the proposed development in accordance with Section 36.44.70 (Findings) ~~and Division 2 of this Article to the zoning administrator.~~ The zoning administrator may approve or disapprove the variance, subject to appeal to the city council.

SEC. 36.46.60. - Findings.

Each variance application shall be analyzed to ensure that the application is consistent with the purpose and intent of this ~~e~~Chapter. Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based, in compliance with state law (Government Code ~~§~~ Section 65906). These findings shall be emailed or mailed to the applicant and property owner. The zoning administrator may approve an application, with or without conditions, only if all of the following findings are made:

- a. That there are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings, so that the strict application of this ~~e~~Chapter denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Variances are not available for personal, family, medical and financial hardships, and neighboring violations of this ~~a~~Article are not hardships justifying a variance;
- b. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the owner of the property for which the variance is sought;
- c. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
- d. That granting the variance will not create a special right or privilege not enjoyed by other property owners in the vicinity and zoning district;
- e. That granting the variance is consistent with the general plan; and
- f. The approval of the variance complies with the California Environmental Quality Act (CEQA)."

Section 33. Chapter 36, Article XVI, Division 5, Section 36.46.90 and 36.46.95 of the Mountain View City Code are hereby amended to read as follows:

"SEC. 36.46.90. - Hearings and action.

Upon receipt of a complete PUD permit application in proper form, the zoning administrator shall hold a duly noticed public hearing in accordance with ~~Section 36.56 Division 16~~ (Applications, Hearings and Appeals) of Article XVI of this Chapter. To ensure effective implementation of general plan policies relating to design guidelines, each application for a PUD permit shall be reviewed ~~by the development review committee in accordance with the zoning administrator authority and development review process in Division 2 of Article XVI of this Chapter~~ The development review committee shall forward a recommendation on the permit to

prior to the zoning administrator ~~for consideration in~~ reaching a final decision or recommendation. All applications shall be accompanied by an application for a subdivision as defined in Chapter 28 of the ~~C~~city ~~C~~code. The review of the PUD permit application shall involve concurrent review of the application for subdivision and disapproval or continuation of one shall constitute disapproval or continuation of the other.

For PUD permits involving fewer than five (5) lots, the zoning administrator has the authority to approve or disapprove the permit, subject to appeal to the city council. For PUD permits involving five (5) or more lots, the zoning administrator shall forward a recommendation to the city council, to be scheduled for city council review concurrently with consideration of the proposed subdivision. The city council shall have final authority to approve or disapprove the PUD permit.

SEC. 36.46.95. - Findings.

Each PUD permit application shall be analyzed to ensure that the application is consistent with the purpose and intent of this ~~e~~Chapter. Following the hearing, the zoning administrator or city council shall issue written findings upon which the decision is based. These findings shall be emailed or mailed to the applicant and property owner. The zoning administrator or city council may impose specific development conditions relating to both on- and off-site improvements that are necessary to mitigate project-related adverse impacts and to carry out the purpose and requirements of the respective zoning district. The zoning administrator or city council may approve a PUD permit, if all of the following findings are made:

- a. The proposed land use(s) are allowed within the subject zoning district;
- b. The site is physically suitable for the type and intensity of the land use being proposed;
- c. The proposed project would be harmonious and compatible with existing and future developments within the zoning district and surrounding area;
- d. In the case of a proposed residential project, the development will constitute a residential environment of sustained desirability and stability and will result in an intensity of land utilization no higher than, and standards of open space no less than, permitted for a similar development within the zone district;
- e. The approval of the PUD permit for proposed project complies with the California Environmental Quality Act (CEQA);
- f. The proposed project is consistent with the general plan;
- g. The location, size, design and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience or welfare of the community; and

- h. The proposed project is in substantial compliance with the intent of requirements of the applicable zone district and implementation of the proposed harmonious and integrated PUD design is superior to standard development in the underlying zone and, therefore, justifies the exceptions to the requirements of this ~~€~~Chapter.”

Section 34. Chapter 36, Article XVI, Division 6, Section 36.48.20 and 36.48.25 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.48.20. - Hearings and action.

Upon receipt in proper form of a complete conditional use permit application, the zoning administrator shall hold a duly noticed public hearing in accordance with ~~Section 36.56~~ Division 16 (Applications, Hearings and Appeals) of Article XVI of this Chapter.

To ensure effective implementation of general plan policies relating to design, each application for new structures or site plan modifications accompanying a conditional use permit shall be reviewed ~~by the development review committee. The development review committee shall make a recommendation~~ regarding the design quality of the proposed development in accordance with Division 2 (Development Review Process) of Article XVI of this Chapter ~~Section 36.44.45 to the zoning administrator.~~

Applications involving land use changes with no construction or site modifications shall not require development review ~~by the development review committee.~~ The zoning administrator may approve or disapprove the conditional use permit, subject to appeal to the city council.

SEC. 36.48.25. - Findings.

Each conditional use permit application shall be analyzed to ensure that the use and development is consistent with the purpose and intent of this ~~€~~Chapter. Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based. These findings shall be emailed or mailed to the applicant and property owner. The zoning administrator may approve a conditional use permit application, if all of the following findings are made:

- a. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this ~~€~~Chapter;
- b. The proposed use is consistent with the general plan;
- c. The approval of the conditional use permit for the proposed use complies with the California Environmental Quality Act (CEQA);

- d. The location, size, design and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity; and
- e. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.”

Section 35. Chapter 36, Article XVI, Division 7, Sections 36.48.40 through 36.48.60 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.48.40. - Purpose.

Mobile home park ~~(RMH)~~ permits ~~(MHPP)~~ provide development and use review for projects within the mobile home park district and other residential zones where mobile home parks are an allowed use, as identified in the applicable land use table in this Chapter, to ensure new uses, structures or mobile home sites will be compatible with the rest of any existing mobile home park, the provisions of this ~~e~~Chapter and with the surrounding uses and structures.

SEC. 36.48.45. - Applicability.

Mobile home park permits are required for development of any new or modified use, addition of new mobile home units not provided for in existing mobile home park permits, modification of the existing approved site plan or the expansion of the boundaries of a mobile home park within the mobile home park district and other residential zones where mobile home parks are an allowed use as identified in the applicable land use table in this Chapter.

Construction of one (1) single-family dwelling unit or one (1) duplex dwelling, establishment or modification of crop and tree farming or modification to common area buildings or recreation facilities shall only require development review in accordance with Section 36.44.45.

Approval by the chief building official shall be required for additions or alterations to any individual mobile home lot provided such modifications do not affect the mixture of single- and double-wide mobile home units within the mobile home park in such a way as to affect the allowed density of units within the park.

SEC. 36.48.50. - Special application requirements.

In addition to the application requirements of this ~~a~~Article, the following information shall be included:

- a. A scaled and dimensioned park development plan indicating: proposed size and location of all common recreation areas, buildings and all mobile home lots/spaces; the proposed location of all public and private roadways, driveways, walkways and other elements of

internal and external circulation; proposed use and materials for all other areas to be landscaped, paved or otherwise treated; lighting plans; and location of all fire hydrants or wharves. The park development plan must also show all existing structures and uses within thirty (30) feet of the exterior boundaries of the mobile home park.

- b. Dimensioned elevations of all common buildings identified in the park development plan and of all permanent fences, walls and signs, including indication of colors and materials.
- c. Description of use restrictions or other controls as needed to comply with the density and mobile home unit size restrictions of the ~~RHM~~ RMH District or other underlying zoning district.

SEC. 36.48.55. - Hearings and action.

Upon receipt in proper form of a complete mobile home park permit application, the zoning administrator shall hold a duly noticed public hearing in accordance with Section 36.56 (Applications, Hearings and Appeals).

To ensure effective implementation of general plan policies relating to design, each application for new or modified permanent structures or site features shall be reviewed by the development review committee. ~~The development review committee shall make a recommendation to the zoning administrator~~ regarding the design quality of the proposed development in accordance with Division 2 (Development Review Process) of Article XVI of this Chapter Section 36.44.45.

The zoning administrator may approve or disapprove the mobile home park permit, subject to appeal to the city council.

SEC. 36.48.60. - Findings.

Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based. These findings shall be emailed or mailed to the applicant and property owner. The zoning administrator may approve a mobile home park permit if all of the following findings are made:

- a. The proposed mobile home park development complies with all of the applicable provisions of this ~~Chapter~~, the general plan and any applicable design guidelines;
- b. The location and design of structures, parking, landscaping, common area buildings and recreation spaces, and vehicular and pedestrian access are appropriately integrated and compatible with the site and building character of the existing and potential future development surrounding the project, including public streets and sidewalks;

- c. The proposed development will not be detrimental to the public interest, health, safety, convenience or welfare;
- d. The establishment, maintenance and operation of the mobile home park will create a long-term, quality residential environment; and
- e. The approval of the mobile home park permit complies with the California Environmental Quality Act (CEQA).”

Section 36. Chapter 36, Article XVI, Division 10, Sections 36.50.50 and 36.50.55 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.50.50. - Hearings and action.

- a. **Hearings and notices.** Upon receipt of a complete planned community permit application, the zoning administrator shall determine the appropriate level of permit review based on the project proposal and the following criteria:
 - 1. Within a planned community zone which does not have an adopted precise plan, the following levels of project review shall apply:
 - (a) For any application for new development or redevelopment, for any increase in use intensity or for any addition of floor area exceeding two thousand (2,000) square feet, the zoning administrator shall hold a duly noticed public hearing in compliance with Section 36.56 (Applications, Hearings and Appeals). The zoning administrator ~~may refer the proposal to the development review committee for~~ shall review the proposal for ~~of~~ general compatibility with the surrounding development, with general principles of good architectural and site design and with the goals and objectives of the general plan, and according to Section 36.50.55 (Findings) and Division 2 (Development Review Process) of this Article XVI of this Chapter ~~the development review procedures and zoning administrator authority in Section 36.44~~. After conducting a public hearing, the zoning administrator shall forward a written recommendation on the proposed development or use to the city council. Following such zoning administrator decision, the city council shall hold a duly noticed public hearing. The city council may approve or disapprove the application.
 - (b) For applications for change of use to another use of the same nature and intensity as the existing approved use; for minor site changes and building alterations such as minor additions not exceeding a cumulative two thousand (2,000) square feet in floor area, changes to building materials or facade details or minor changes to the configuration of parking or landscaping; or for signs or sign programs that are consistent with the sign provisions that would be normally applied to the type of use or development of the site, the zoning

administrator may act through the development review process to approve or deny the application, subject to appeal to the city council.

2. For applications within the area covered by an existing precise plan, the following levels of project review shall apply:
 - (a) For new developments, redevelopment of developed sites or adoption of a master plan, if required by the applicable precise plan, the zoning administrator shall hold a duly noticed public hearing in accordance with ~~Section 36.56~~ Division 16 (Applications, Hearings and Appeals) of Article XVI of this Chapter. Following such hearing, the zoning administrator shall forward a written recommendation to the city council, which shall hold a duly noticed public hearing. The city council may approve or disapprove the application.
 - (b) After city council approval of the underlying development and/or master plan, the zoning administrator, after a duly noticed public hearing, may approve or disapprove any of the following: (1) provisional uses listed within the applicable precise plan; (2) building expansions and modifications that are consistent with the development standards of the applicable precise plan or the approved master plan for the project area; and (3) establishment of individual signs or sign programs. The decisions of the zoning administrator may be appealed to the city council.
 - (c) The zoning administrator may act through the development review process on the approval of minor sign program changes or of specific signs; of minor site changes and building alterations, such as building material changes or minor changes to the configuration of parking or landscape areas; and changes in use to another use listed as permitted in that applicable precise plan, subject to appeal to the city council.

Any substantial amendment to the plan proposed to be adopted by the city council may be referred back to the zoning administrator for review and subsequent recommendation to the city council.

SEC. 36.50.55. - Findings.

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

- a. The proposed use or development is consistent with the provisions of the applicable precise plan; or, if no precise plan exists for the subject area, the proposal clearly demonstrates

superior site and building design and compatibility with surrounding uses and developments; or if variations from requirements in the applicable precise plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the intent of the requirements in the applicable precise plan;

- b. The proposed use or development is consistent with the general plan;
- c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience or welfare;
- d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area; and
- e. The proposed project complies with the California Environmental Quality Act (CEQA).”

Section 37. Chapter 36, Article XVI, Division 15, Sections 36.54.85 and 36.54.90 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 36.54.85. - Requirement of permit—Development review process.

- a. **Applicability.** No person shall make a significant alteration, redevelop, or relocate any structure or improvement, or any portion thereof, upon a property designated as a historic resource on the Mountain View Register of Historic Resources without first obtaining a "historic preservation permit" or HP permit. An HP permit shall remain in effect for four (4) years from the date of approval.
- b. **Exceptions.**
 - 1. **Exempt alteration.** A historic preservation permit shall not be required for an exempt alteration. The city council may, by resolution, adopt a list of alterations that are deemed to be exempt alterations.
 - 2. **Hazardous or unsafe conditions.** Construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or other feature or part thereof, where such condition has been declared unsafe or dangerous, in writing, by the chief building official or fire marshal and where said officials have declared the proposed measures necessary on an urgency basis to correct the condition. In no event shall any work be performed which is not absolutely necessary to correct the immediate danger created by the unsafe or dangerous condition, and such work shall be done with due regard for preservation of the appearance of the structure involved.
 - 3. **Ordinary repair and maintenance.** Nothing in this ~~s~~Section shall be construed to prevent the ordinary repair and maintenance of any architectural feature of a designated historic resource. The owner of a designated historic resource shall keep

and maintain in good condition and repair all exterior portions of the resource and all interior portions whose maintenance is necessary to prevent deterioration and decay of the exterior feature.

4. **Special submittal requirements.** The application shall be submitted to the community development department and, in addition to the application requirements of this ~~Division~~ Division, shall contain information and documentation, including architectural drawings and specifications (site plan, elevations, floor plans and building materials); current photographs, sketches, drawings or other descriptive materials necessary to illustrate the proposed alteration; and any other information, which could include an historical assessment by a professional consultant, as determined to be necessary by the community development department for a complete and adequate application.
- c. **Hearings and action.** Applications for HP permits shall be ~~initially~~ reviewed by ~~the development review committee. The development review committee shall forward a recommendation to~~ the zoning administrator, who shall hold a duly noticed public hearing in accordance with ~~Section 36.56~~ Division 16 (Applications, Hearings and Appeals) of Article XVI of this Chapter.
- d. **Findings.** The HP permit may be approved or conditionally approved if the following findings are made:
 1. The proposed significant alteration will not result in a substantial adverse change in the significance of the historic resource.
 2. The proposed significant alteration maintains and enhances the appearance of the community.

SEC. 36.54.90. - National and California Register properties.

Alterations to buildings which are eligible for the National Register of Historic Places or the California Register of Historical Resources shall be reviewed pursuant to Section 36.54.85 ~~"a., "~~ ~~"b., "~~ ~~"c., "~~ and "d." ~~and "e."~~ and except that the city council shall determine whether to grant an HP ~~P~~ permit and the council must find that the alteration is in substantial compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If an HP ~~P~~ permit is granted, any structure proposed to replace a historic resource shall be subject to design review and approval by the city council."

Section 38. Chapter 36, Article XVI, Division 16 of the Mountain View City Code to be amended to add a new Section 36.56.12 to read as follows:

SEC. 36.56.12. - Number of filings.

A maximum of one (1) application for a zoning permit(s) for new development or redevelopment on the same parcel(s) may be submitted for review to the community development department at any one time, excluding applications for exterior and interior improvements to the same existing building which may be submitted as separate applications for concurrent review.

Section 39. Chapter 36, Article XVI, Division 16, Section 36.56.20 of the Mountain View City Code 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. Noticing shall be provided as follows:
 1. Written notice mailed or delivered at least fourteen (14) 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 seven hundred fifty (750) feet of project sites 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. For project sites located adjacent to and contiguous with a city-owned public park or city-owned facility, the seven hundred fifty (750) feet shall be measured from the boundary of the project site and the city-owned property with the public park or facility; and
 - (e) Any individual or entity that has filed a written request with the city clerk requesting notification of public hearings pursuant to this ~~e~~Chapter.

2. Publication of the notice of hearing in a newspaper of general circulation within the City of Mountain View at least ten (10) days prior to the public hearing date.
3. Posting a project identification sign on the project site.



Notice for citywide matters or large segments of city. For matters governed by this Chapter affecting the entire city or a large number of properties such that more than one thousand (1,000) owners are within three hundred (300) feet of the subject site(s) or affected area(s), the city may publish a notice of hearing at least ten (10) days prior to the public hearing in a newspaper of general circulation within the City of Mountain View in lieu of mailed or delivered notices. If a notice is mailed or delivered in addition to the aforementioned newspaper publication, the city shall also post the notice in at least three (3) public places at least ten (10) days prior to the hearing, including one (1) public place in the area directly affected by the proceeding.

e.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 "1," "2" and "3" above.

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 subsection b.2., above.

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

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

Section 40. Chapter 36, Article XVI, Division 16, Sections 36.56.30 and 36.56.35 of the Mountain View City Code are hereby amended to read as follows:

"SEC. 36.56.30. - Notice of decision—Zoning administrator.

For applications requiring zoning administrator approval, the zoning administrator may announce and issue ~~his or her~~ their decision at the conclusion of the scheduled hearing; may continue the item for additional public hearing; or may defer action by taking the item under

advisement and issuing the decision no later than thirty (30) days following the hearing. The decision shall contain applicable findings and any conditions of approval. Following the hearing, a notice of the decision and any conditions of approval shall be emailed or mailed to the property owner and applicant at the email or mailing address shown on the application.

SEC. 36.56.35. - Recommendation by commission.

For applications requiring commission review, at the conclusion of their public hearing, the commission shall forward its written findings and recommendation to the council for final action. The commission's recommendation shall be emailed or mailed to the applicant at the email or mailing address shown on the application prior to the city council public hearing on the application. Commission recommendations are required for the following applications:

- a. Precise plans;
- b. General plan amendments;
- c. Zoning text/map amendments; and
- d. Establishment of new street plan lines.”

Section 41. Chapter 36, Article XVI, Division 16, Section 36.56.50 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.56.50. - Appeals.

Any determination or action under this ~~e~~Chapter by the zoning administrator or community development director may be appealed to the council.

- a. **Filing.** All appeals shall be submitted in writing on a city application form, and shall specifically state the pertinent facts of the case and the basis of the appeal. An appeal of a zoning administrator or director action shall be filed in the office of the city clerk within ten (10) days following the date of emailing or mailing of the findings. Appeals shall be accompanied by a filing fee in compliance with this ~~s~~Section.
- b. **Notice of appeal hearings.** Notice of an appeal hearing shall conform to the manner in which the original notice was given.
- c. **Effective date of appealed actions.** An action of the zoning administrator or community development director appealed to the council shall not become final unless and until upheld by the council.
- d. **Reapplication.** When an application for a permit or amendment is disapproved, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing twelve (12) months except as otherwise specified at the time of disapproval. The zoning administrator shall determine in writing whether the new

application is the same or substantially the same as the permit or amendment that was disapproved.”

Section 42. Chapter 36, Article XVI, Division 17, Section 36.56.65 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.56.65. - Time limits and extensions.

- a. **Time limits.** Unless outlined otherwise in conditions of approval, any permit or entitlement not used within two (2) years of approval shall become void. For phased projects, a permit or entitlement becomes void if there has been no significant construction activity for a period of one (1) year, notwithstanding previous construction activity. The permit shall not be deemed “used” until the permittee has actually obtained a building permit and commenced construction or has actually commenced the permitted use on the subject property in compliance with the conditions of approval.

b. Request for eExtension. Upon receipt of an application for an extension of a valid permit, the zoning administrator shall hold a duly noticed hearing on such proposed extension of a permit. The purpose of the hearing is to determine whether the permittee has made a good-faith effort to comply with the conditions of the permit during the initial two (2) year time limit of the permit or, for phased projects, during any one (1) year period following building inspection of new construction. The burden of proof is on the permittee to establish by a preponderance of substantial evidence that the permit should not expire.

If the zoning administrator determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the zoning administrator may renew the permit either one (1) time for an additional two (2) years from the expiration date of the original permit, or up to two (2) times each for one (1) additional year, not to exceed a cumulative total of two (2) years from the expiration date of the original permit.

- c. **Conditions.** At the time of renewal of a permit, the zoning administrator may modify conditions of approval or add new conditions of approval as may be appropriate to any change in the community or city requirements or procedures since the original approval. The zoning administrator shall render ~~his or her~~ their decision no later than thirty (30) days following the hearing. ”

Section 43. Chapter 36, Article XVI, Division 17, Section 36.56.75 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.56.75. - Closure of inactive permits.

A formal permit application which has been inactive for ~~three (3) months~~ ninety (90) days 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 44. Chapter 36, Article XVII, Division 2, Section 36.60.13 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.60.13. - Definitions - "E."

Efficiency studio. An efficiency studio is a commercial facility where individual secure rooms with a minimum size of one hundred fifty (150) square feet and a maximum size, excluding the manager's unit, of four hundred (400) square feet are rented to a one (1) or two (2) person household for a weekly or monthly period of time. Efficiency studio developments are characterized by having a single point of ingress for tenants which is staffed twenty-four (24) hours a day. No external entryways to individual units are allowed.

Emergency housing or shelter. A facility or use, which provides temporary housing (six (6) months or less) for homeless individuals or families. No individual or household may be denied emergency shelter because of inability to pay.

Employee housing. As defined in Government Code Section 17008, employee housing means any portion of any housing accommodation or property upon which a housing accommodation is located, if all of the following factors exist:

- a. The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer or other housing accommodations maintained in one (1) or more buildings or one (1) or more sites and the premises upon which they are situated or the area set aside and provided for parking of mobile homes or camping of five (5) or more employees by the employee.
- b. The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.
- c. Additionally, employee housing that serves six (6) or fewer employees shall be deemed a single-family structure with a residential land use designation and is not included in the definition of a boarding housing, rooming house, hotel, dormitory or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling within residential zones; or any employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single-family or household within agricultural zones subject to the provisions of Government Code Section 17021.

Extremely hazardous materials. Materials that are extremely toxic and listed in the Code of Federal Regulations, Title 40, Chapter I, Subchapter J, Part 355, "Emergency Planning and Notification," Appendix A (as referenced in California Health and Safety Code, Division 20, Chapter 6.95, Article 2, § 25532), and that exceed the following thresholds for the total quantity of materials within the facility for any of the following extremely hazardous materials:

- a. Extremely hazardous gases or liquids that act as a gas upon release at normal temperature and pressure (70°F and 760 mm Hg) as specified in the City of Mountain View toxic gas ordinance, Chapter 24, Mountain View City Code;
- b. Extremely hazardous liquids (not included in the previous definition) that are at or above the threshold planning quantity (TPQ) as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A, for any single extremely hazardous material; and
- c. Extremely hazardous solids that are at or above the TPQ as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A. When two (2) TPQs are listed, the lower TPQ applies to solids in powder form (particle size less than one hundred (100) microns, or handled/stored in solution or molten form, or meets the NEPA criteria of 2, 3 or 4 reactivity)."

Section 45. Chapter 36, Article XVII, Division 2, Section 36.60.19 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.60.19. - Definitions - "H."

Habitable trailer. A generic term for any of those vehicles for human habitation which are designed to be mobile but which do not contain their own motive power. See definitions for "Camp car" and "Mobile home."

Height of building, nonresidential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

Height of building, residential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the ridge for gable, hip or gambrel roofs, excluding chimneys or vents.

Height of wall, nonresidential. The vertical distance from the grade along a given wall to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roof.

Height of wall (or wall plate), residential. The vertical distance from the grade along a given wall to the top of the wall plate.

Highly sensitive uses. A facility that is principally intended to be occupied by more than twelve (12) children under the age of thirteen (13) years, or more than six (6) nonambulatory, physically disabled or mentally impaired senior citizens, and other similar facilities with populations which would be difficult to evacuate in the event of an unauthorized release or discharge of an extremely hazardous material and who are physiologically more sensitive to exposure to toxic materials than the general population.

Home occupation. A use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Section 36.28.75.

Homeless. As defined in 42 U.S.C. 11302.

Hospital. See “Medical services—hospitals.”

Hotels and motels. Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, restaurants and meetings rooms, etc.

Hydrogen fueling station. The equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public for use.

Section 46. Chapter 36, Article XVII, Division 2, Section 36.60.27 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.27. - Definitions - “L.”

Laundries and dry cleaning plants. Service establishments primarily engaged in high-volume laundry (serving multiple locations) and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; **and** carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaners (which includes self-contained facilities with dry-cleaning equipment serving the specific location only) which are classified in “personal services.”

Lot. A parcel of land used or capable of being used under the regulations of this **e**Chapter, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot area. The computed area contained within the lot lines, said area to be exclusive of street rights-of-way, but including portions held in fee title in the same ownership which may have easements for such purposes as utilities or flood-control channels. The area of new public streets dedicated as part of a project shall be included in the calculation of lot area as part of a planned unit development or planned community, or as determined by the subdivision committee or city council.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, coverage. That percentage of the total lot area covered by structures as herein defined.

Lot, depth. The mean horizontal distance between the front and the rear lot lines.

Lot, key. A lot to the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

Lot line, front. The front lot line on a corner lot shall be the line with the shortest frontage unless, at the time of development, the longer frontage is designated by the owner to be the front. When a lot runs through from one (1) street to another, both lot lines shall be construed to be front lot lines, and the lot may have no rear lot line.

Lot lines. The property lines bounding the lot.

Lot width. The mean horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

Lottery. A procedure in which an object is used to randomly select applications in the cannabis screening application process. All eligible applications shall be represented by equivalent tokens. The zoning administrator shall select tokens at random until all tokens have been selected.

Low-barrier navigation center. A housing-first, low-barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing by providing temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. "Low barrier" means best practices to reduce barriers to entry and may include, but is not limited to, the following: (1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women or youth; (2) pets; (3) the storage of personal possessions; and (4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds or private rooms.

Low-income and very low-income household. “Low-income” means any household whose income is fifty (50) to eighty (80) percent of the median household income for Santa Clara County, and as adjusted for family size. “Very low-income” means any household whose income is less than fifty (50) percent of the median income for the Santa Clara County, and as adjusted for family size. Housing affordable to low-income and very low-income persons is where the total monthly housing cost does not exceed thirty (30) percent of the gross household income.”

Section 47. Chapter 36, Article XVII, Division 2, Section 36.60.29 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.29. - Definitions - “M.”

Medical offices. See “Medical services—clinics and laboratories.”

Medical services. Any services where medical assistance, care, and support are provided to an individual to diagnose, maintain, treat or improve health. These services can include, but are not limited to, massage therapy, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services and skilled nursing facilities.

Medical services—clinics and laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under “offices”); medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Small-scale clinics include no more than two (2) separate health-care businesses (i.e., two (2) separate doctors’ offices not sharing reception/waiting facilities). Large-scale clinics include three (3) or more health-care businesses and may also include accessory retail pharmacies.

Medical services—extended care. Residential facilities providing nursing and health-related care as a principal use with inpatient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; and board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in “Residential care homes.”

Medical services—hospitals. Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment, including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of “Accessory retail uses”) and emergency heliports).

Meeting halls. Facilities that may be rented for public assembly.

Membership organization facilities and meeting halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging); political organizations; country clubs (golf courses treated as a separate land use); and other membership organizations.

Microenterprise home kitchen operations. A food facility that is operated by a resident in a private home where food is stored, handled and prepared for, and may be served to, consumers consistent with this Chapter, and that: (a) meets the requirements of Health and Safety Code Section 113825, as may be amended; (b) maintains a valid business license with the City of Mountain View; and (c) is registered and/or permitted by the County of Santa Clara Department of Environmental Health.

Mixed-use development. The development of a site or structure with two (2) or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

Mobile home. A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure and for being drawn by a motor vehicle.

Mobile home lot. A prepared plot of land within a mobile home park used or designed to be occupied by one (1) and only one (1) mobile home and its accessory structures.

Mobile home park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation for either sleeping or living, irrespective of whether or not rent is charged for such accommodation.

Mobile food vendor. As defined in city code Section 15.12, any mobile vendor who sells or offers for sale food, and includes any person who engages in such operations as an agent or employee of a food vendor.

Mobile vendor. As defined in city code Section 15.12, any person who, on or along any street or sidewalk, or operating any vehicle or other mobile unit on private property, sells or offers for sale any goods, wares, merchandise, services, food, or other things of value from a cart, stand or other structure, from ~~his/her~~ their persons, or from a vehicle or other mobile unit, and includes the person who engages in such vending operations as an agent or employee. Does not include outdoor retail sales of adjacent businesses.

Mobile vending, special event. As defined in city code Section 15.12, any event or location, other than on a street or sidewalk, on any individual (or contiguous) property(ies) at which four (4) or more mobile vendors are operating at the same time, or total mobile vending operations

on any individual (or contiguous) property(ies) exceeds four (4) hours within a twenty-four (24) hour period.

Motel, including hotel and motor hotel. A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

Multiple-family development. Multiple-family development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for three (3) or more families living independently of each other. Includes: triplexes and fourplexes (buildings under one (1) ownership with three (3) or four (4) dwelling units in the same building) and apartments (five (5) or more units under one (1) ownership in a single building); senior-citizen multiple-family housing; and common-ownership, attached-unit projects, such as condominiums. Duplexes and townhouses are separately defined and treated as different land uses by this eChapter.”

Section 48. Chapter 36, Article XVII, Division 2, Section 36.60.39 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.39. - Definitions - “R.”

Recreational trailer park. Any area or tract of land where one (1) or more lots are rented or leased or held out for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recreational vehicle. A camp car, mobile home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures; bath and toilet rooms; and is identified as a recreational vehicle by the manufacturer.

Recycling facilities:

- a. **Collection facility.** A center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may include the following:
 1. Reverse vending machine(s);
 2. Small collection facilities which occupy an area of three hundred fifty (350) square feet or less and may include:
 - (a) A mobile unit;
 - (b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and

- (c) Kiosk-type units which may include permanent structures.
- 3. Large collection facilities which may occupy an area of more than three hundred fifty (350) square feet and may include permanent structures.
- b. **Convenience zones.** An area within a one-half (1/2) mile radius of a supermarket.
- c. **Mobile recycling unit.** An automobile, truck, trailer or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.
- d. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the land use definition of "Recycling, scrap and dismantling yards":
 - 1. Light processing facility occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source-separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers; and
 - 2. A heavy processing facility is any processing facility other than a light processing facility.
- e. **Recycling facility.** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.
- f. **Recycling or recyclable material.** Reusable domestic containers, including, but not limited to, glass, metals, paper and plastic, which are intended for reconstitution, remanufacture or reuse for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.

- g. **Reverse vending machine.** An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. Multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time and will pay by weight instead of by container.
- h. **Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings, pawn shops and other secondhand stores, the sale of operative used cars or terminal waste disposal sites.

Remnant parcel. A parcel that is less than five thousand (5,000) square feet in area which was created by an action of a public agency, such as for a right-of-way, easement, street dedication or an abandonment.

Repair and maintenance—consumer products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; and reupholstery and furniture repair. Does not include shoe repair (included under "Personal services"). Does not include businesses serving the repair needs of heavy equipment, which are included under "Business support services."

Repair and maintenance—vehicle. This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes) or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes tire recapping establishments. Does not include: automobile parking (see "Vehicle storage"), repair shops that are part of a vehicle dealership on the same site, which are included under "Auto, mobile home, vehicle and parts sales" service stations, which are separately defined; or automobile dismantling yards which are included under "Recycling—scrap and dismantling yards." Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair, i.e., car washes, muffler and radiator shops, quick-lube, etc. (See "Automotive repair, minor" and "Automotive repair, major.")

Residential care home. A nonmedical custodial home or facility for residential care of the elderly, adult residential facilities, drug and alcohol treatment facilities, group homes for children

and small family homes for children which are licensed by the state and provide twenty-four (24) hour care, meals, support and maintenance services to the mentally ill, the developmentally disabled, children and the elderly.

Restaurant (land use). The retail sale of food and beverages that are prepared on the same premises. Types of restaurants include:

- a. **Counter service.** A restaurant where a customer orders and picks up the food at a central counter and where the restaurant maintains tables or counters for on-premise consumption of the food and beverages. This definition does not include the serving of single specialty items, such as ice cream, restaurants where food is prepared and sold but not consumed on the premises (see “Take-out” below), but does include the counter service portion of restaurants providing both counter and table service.
- b. **Fast food.** Franchised or independently operated restaurants where customers are served prepared food from an ordering counter or drive-through aisle, for either on- or off-premise consumption.
- c. **Table service.** A restaurant where orders are placed and prepared food is brought to a customer for consumption at a table or counter maintained by the restaurant.
- d. **Take-out.** A restaurant that provides no tables or counters on the premises for the consumption of food otherwise prepared and served on the premises.

Retail food establishment. Any building, structure or establishment used for the preparation of food but which provides no tables or counters on premises for the consumption of food, thereby requiring a customer who purchases food to take food off premises for consumption.

Retail stores, general merchandise. Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include, but are not limited to:

Artists’ supplies.
Auto parts (not repair or machine shops).
Bakeries (retail only).
Bicycles and mopeds.
Books.
Cameras and photographic supplies.
Clothing and accessories.
Department stores.
Drug and discount stores.
Dry goods.
Fabrics and sewing supplies.

Florists and houseplant stores (indoor sales only—outdoor sales are “plant nurseries”).
General stores.
Gifts, novelties and souvenirs.
Handcrafted items (stores may include crafting operations subordinate to sales).
Hardware.
Hobby materials.
Jewelry.
Luggage and leather goods.
Musical instruments, parts and accessories.
Newsstands.
Orthopedic supplies.
Pet stores.
Religious goods.
Small wares.
Specialty shops.
Sporting goods and equipment.
Stationery.
Toys and games.
Variety stores.

Roadside stand. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Rowhouse development. A rowhouse is a one (1) family dwelling in a row of such units, where each unit has its own front access which is usually above grade, no unit is located over another unit (except for minor deviations of a unit located partially above another unit approved as part of a condominium plan) and each unit is either in an attached configuration or separated by no more than ten (10) feet. The garage is at the rear of the unit with visitor parking located along internal streets, in lots or separate buildings. Private open space may be limited to a porch, patio, front yard or deck.”

Section 49. Chapter 36, Article XVII, Division 2, Section 36.60.41 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.60.41. - Definitions - “S.”

Safe parking. Area of a site that provides homeless individuals and families living in vehicles a temporary safe place to park while accessing services to end their homelessness.

Schools—college and university. Community colleges, public or private universities and professional schools granting associates art degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training and not otherwise defined as a private educational facility.

Schools—private. Any educational institution, not under public administration, including: privately owned schools and schools owned and operated by religious organizations or other similar activity or pursuit. This definition does not include community or junior colleges, colleges or universities.

Schools—public. A building or group of buildings for educational and/or classroom purposes operated in the Mountain View Whisman Elementary School District, Mountain View-Los Altos Union High School District or other public education institutions, such as charter schools, offering a general course of study at primary, secondary or high school levels which offers instruction in those courses of study required by the California Education Code.

Schools—specialized education and training. Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized nondegree-granting schools offering such subjects as: art, drama, language, music, driver education, ballet and other dance and after-school tutoring centers. Also includes seminaries and other facilities exclusively engaged in training for religious ministries, and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).

Secondhand stores. Indoor retail establishments that buy and sell used products, including, but not limited to, books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under “auto, mobile home, vehicle and parts sales.”

Senior care facility. Communities designed for seniors, including, but not limited to, senior independent living communities, assisted living and nursing homes, or similar uses as determined by the zoning administrator.

Service station. A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales (if permitted in the applicable zoning district). May also include accessory towing and trailer rental services spaces (if permitted in the applicable zoning district), but not the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

Shopping center. A building or buildings in which are situated no less than five (5) separate tenants or occupants whose combined gross floor area totals at least twenty thousand (20,000) square feet where no more than ten (10) percent of such tenants’ or occupants’ combined gross floor area is devoted to restaurant use, where the zoning administrator determines that such tenants or occupants are engaging in compatible uses and which uses are located on the same

lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access.

Short-term rental. The use or possession of, or the right to use or possess, any room or rooms, or portions thereof, in any residential dwelling unit for residing, sleeping or lodging purposes for thirty (30) or fewer consecutive calendar days excluding “hotels and motels,” “boarding or lodging house,” “supporting housing” or “transitional housing.”

Sign. Any card, cloth, glass, metal, painted, paper, plastic, wooden or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, building, structure or thing, for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity or building, including, but not limited to, clocks, barber poles and similar devices, and excluding official notices issued by a court or public officer.

Sign area. The calculated area of all parts and surfaces of a sign except the supporting structure. The sign area shall be measured by means of a single rectangular or circular shape that encloses all sign elements. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides.

Sign, decorative graphics. Decorative graphics shall be defined to include any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device which identifies the specific business or products or services offered on the premises or which relates to the contents of the building-mounted sign. This section shall apply only to commercial signs.

Sign, directional. Any sign the sole purpose of which is to regulate the flow of pedestrians and vehicles on private property.

Sign, freestanding. Any sign not entirely supported by a building.

Sign, identification. Any sign the sole purpose of which is to identify the appurtenant premises, the occupant of the premises or the principal business conducted on the said premises or the principal product sold or service performed on the said premises.

Sign, nonappurtenant. Any sign which does not relate to, or which relates only incidentally to, the occupant of the appurtenant premises or the principal business conducted thereon or the principal product sold or service performed thereon.

Sign, real estate. Any sign the purpose of which is to declare the appurtenant real property for rent, lease or sale.

Sign, window. Window signs shall include any graphics material, words or symbols attached to the glass surface of a building or located within four (4) feet of the inside surface of a window

that is viewable by the public. Window graphics and displays complying with Sec. 36.36.15.j shall not be considered “window signs.”

Significant tobacco retailers. Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location. This definition shall not include cigar stores which qualify for exemption under ~~City Code Section-~~ 21.61.

Single-family dwellings. A detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

Small-lot, single-family development. Small-lot, single-family development consists of two (2) or more detached single-family dwellings within a planned unit development project on individual lots that typically average between three thousand six hundred (3,600) square feet to four thousand three hundred (4,300) square feet per lot.

Storage, accessory. The indoor storage of various materials on the same site as a principal building or land use which is other than storage which supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

Storage containers. Cargo, shipping and/or containers which are designed for the storage or transportation of goods by sea, air, rail or truck and can include commercial truck bodies, with or without wheels.

Street. Publicly maintained right-of-way which provides a public means of access to abutting property. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Studio. A business operating in a class-like setting with a fixed weekly or monthly schedule and fixed customer capacity, typically for creative arts or fitness-related activities, such as, but not limited to, dance, martial arts, kickboxing, cycling, painting, ceramics, etc.

Supergraphics. Painted or otherwise colored, specific symbols, shapes or devices on the walls of a building wherein the primary intent is decoration and architectural enhancement of a building. Supergraphics shall not be used to convey information about a specific occupant of a building or of a specific type of use within a building, or specifically direct attention to the identification sign or signs of a tenant within a building or of the building itself.

Supportive housing. A facility or use that provides housing with no limit of stay, that is occupied by the target population, as defined in California Health and Safety Code [§ Section 53260\(d\)](#), and that is linked to on-site or off-site services that assist the tenant to retain the housing, improve ~~his or her~~ [their](#) help status, [and](#) maximize their ability to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses if the same type in the same zone.

Swimming pool. Any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet.”

Section 50. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 51. 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 52. 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.

~~KP/6/ORD~~
~~828-11-01-230-so~~