

McGill, Pam

From: Dennis Martin [REDACTED]
Sent: Tuesday, January 23, 2024 2:53 PM
To: City Council
Cc: , City Clerk
Subject: City Council Agenda 1.23.24; Consent Calendar Design Code Amendments to Chapter 36 (Zoning)
Attachments: BIA Comments 1.23.24 Design Code Update.pdf

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Greetings City Councilmembers,
Please accept and consider the attached letter of comment from BIA Bay Area regarding amendments to Chapter 36 (Zoning) Amendments to Design Code on the Consent Calendar.

Thank you,
Dennis Martin
BIA | Bay Area





January 23, 2024
Transmitted via EMAIL

Mountain View City Council
500 Castro St, Mountain View, CA 94041

**RE: January 23, 2024 City Council Meeting Agenda; Consent Calendar:
Amendments to Chapter 36 (Zoning)**

Dear Mountain View City Councilmembers,

On behalf of BIA Bay Area, I submit the following comments with regards to the Consent Calendar Item "Amendments to Chapter 36 (Zoning)":

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.

- ***BIA Comment: Under SB 330, Design Review meetings whether formal or informal would count toward the 5 hearing limitation.***

SEC. 36.44.40. - Preapplication meeting and informal application.

A prospective applicant is encouraged to request a preapplication meeting with the community development department prior to formal submittal of a permit application. The purpose of this meeting is to inform the applicant of requirements that apply to the proposed development project, review the procedures outlined in this 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 meeting for controversial or complex projects.

- ***BIA Comment: The City can probably require a pre-application meeting but it would have to provide an objective definition of for what kind of project can be required to participate. "Controversial" and "complex" are subjective terms that could be deemed unenforceable.***

SEC. 36.44.65. - Development review procedures.

Preliminary development review through a preapplication 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.

- ***BIA Comment: The city can require code-compliant projects to go through formal design review but must use objectively defined criteria for making the decision and it cannot be at the subjective discretion of city staff.***

Before adoption of these amendments by the City Council BIA strongly recommends that the City make the necessary revisions to its Chapter 36 amendments in order to be consistent with State Laws including SB 35/423, SB 330 and other State Laws as they may apply.

Very truly yours,

Dennis Martin
BIA|BAY AREA