



COUNCIL REPORT

DATE: October 14, 2025

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Gatekeeper Process - Amendments to Chapter 36 (Zoning) of the City Code to Implement Council Policy G-9**

RECOMMENDATION

Introduce an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the Mountain View City Code to Update Review Procedures for Private Development Applications with Legislative Amendments to Zoning, General Plan, and Precise Plans and Finding that the Amendments are Exempt from Review Under the California Environmental Quality Act, to be read in title only, further reading waived, and set a second reading for October 28, 2025 (Attachment 1 to the Council report).

BACKGROUND

The “Gatekeeper Process” refers to the City’s process for accepting an application for a private development project that proposes a legislative amendment to the City’s land use regulations, such as a General Plan amendment, Precise Plan amendment, rezoning (map) amendment, or Zoning Code text amendment. The City first adopted a Gatekeeper Process in 2001 and amended the process in 2012 and 2018. The City Council prioritized updating the Gatekeeper Process in the [Fiscal Year 2023-25 Council Work Plan](#), adopted on June 27, 2023. Since then, the City Council held Study Sessions on the subject in September and December 2023 and held a Gatekeeper Authorization Hearing in September 2024.

The Council Policy and Procedures Committee (CPPC) considered a new City Council Policy (Council Policy or Policy) on the Gatekeeper Process on March 5, 2025, and the City Council adopted Council Policy G-9 on [June 24, 2025](#). The Council report (see Attachment 3—City Council Staff Report, June 24, 2025) includes additional background on the Gatekeeper Process. The Environmental Planning Commission (EPC) also considered this item and made a recommendation to City Council on September 17, 2025, as discussed further, below.

Adoption of Council Policy G-9

On June 24, 2025, Community Development Department staff presented a draft of a new Council Policy G-9 regarding the Gatekeeper Process to the Council. The Council voted 6-1 to adopt

Resolution No. 19013 to approve the new Council Policy (see Attachment 2—Council Policy G-9, Gatekeeper Application Policy and Procedures), which includes:

- Defining Terms: The Policy clarifies various key terms applicable to the Gatekeeper Process, including the term “Streamlined Gatekeeper Project,” which is the term used to describe those applications exempt from a City Council Authorization Hearing.
- Timing of Accepting Applications: The Policy establishes a requirement to submit a Gatekeeper application at least 90 days prior to a scheduled City Council Authorization Hearing to be considered at that hearing.
- Streamlined Gatekeeper Qualifications and Criteria: The list of Streamlined Gatekeeper qualifications and criteria is now located in the Council Policy. The Policy creates two types of Streamlined Gatekeeper projects: 100% affordable housing and limited-sized projects with substantial community benefits.
- Application Criteria: The Policy outlines eight City Council goals, objectives or priorities, and other community needs that are suggested but not required for the filing of a Gatekeeper application. The Policy indicates that the Council retains full discretion to approve any legislative amendment it finds in the public interest while articulating criteria that, in general, would result in a Gatekeeper application being reviewed favorably.
- Frequency and Scheduling of Hearings: The Policy provides for at least one Council Authorization Hearing per calendar year and further provides that the City Manager or designee may determine that scheduling more than one authorization hearing is appropriate, such as to consider large and small projects, or residential and commercial projects, separately.
- Content of Staff Reports: The Policy establishes a uniform set of information contained in staff reports prepared for Gatekeeper Authorization Hearings.
- Council Actions: The Policy describes the range of actions the Council may take on an application at a Gatekeeper Authorization Hearing. It also establishes a minimum two-year waiting period for submission of a substantially similar application following action by the Council not to authorize a Gatekeeper application to formally submit and begin review.
- Study Sessions: The Policy requires Gatekeeper applications (of all types) to undergo at least one Study Session with the EPC and then with the City Council early in the formal planning application review process.

- Development Agreements: The Policy requires Gatekeeper and Streamlined Gatekeeper applications to execute a development agreement with the City to ensure an enforceable mechanism for project features and community benefits the Council deemed necessary for the approval of legislative amendments.

Housing Element Program 1.3

Within the adopted [2023-2031 Housing Element](#), Programs 1.3.f and 1.3.g include updates to the Gatekeeper Process:

- Program 1.3.f: Identify additional Gatekeeper exemptions for residential projects based on location, size, affordability, and other Policy goals; and
- Program 1.3.g: Hold at least one Gatekeeper meeting per year, which may be limited to residential or residential mixed-use projects only, creating greater opportunities for project-specific rezonings.

The intent behind these programs is to expand opportunities for legislative amendments that facilitate residential development within the City. However, state law provides cities with the authority to determine appropriate procedures to manage legislative amendments. The proposed Gatekeeper Policy achieves the goals of Housing Element Program 1.3.f by removing certain locational requirements to qualify for a Streamlined Gatekeeper Application (such as split zoning or industrial zoning adjacency) and increasing the maximum site area to three acres. The Policy would retain certain locational requirements intended to ensure compatibility of residential projects exempt from a Council Authorization Hearing with surrounding land uses, such as adjacency to sites that already allow higher-density housing. The affordability criteria in the Policy would also incentivize the provision of additional affordable housing units. Lastly, the Policy commits the City to conduct at least one Council Authorization Hearing per year. Therefore, the new Policy fulfills the requirements of subsections f and g of Housing Element Program 1.3.

The new Policy affords the Council the ability to more readily revise and update the Gatekeeper criteria and application procedures to be responsive to changes in market conditions by removing certain processing provisions from the City Code. This speedier process further assists interested applicants as they will have opportunities to participate in the meetings where Policy updates occur.

Environmental Planning Commission Meeting, September 17, 2025

On September 17, 2025, the EPC reviewed the proposed ordinance at a public hearing. The EPC, by a 5-0 vote (two Commissioners were absent), forwarded a recommendation to the City Council

to adopt the ordinance to amend Chapter 36 (Zoning) of the City Code to implement Council Policy G-9 on the Gatekeeper Process. One member of the public spoke at the meeting in support of the amendments (see Attachment 4—[EPC Staff Report, September 17, 2025](#)).

ANALYSIS

The Gatekeeper process is currently described in Article XVI (Zoning Administration) of Chapter 36 (Zoning) of the City Code. This Article of the City Code contains information on the application requirements, authorization hearing, the list of General Plan and zoning amendments that are exempt from the Council Authorization Hearing process, and general parameters for the process. However, there are no criteria guiding staff and Council evaluation of Gatekeeper proposals, which has presented challenges for both project applicants and staff when reviewing Gatekeeper projects.

The Policy addresses these limitations by identifying most of the application requirements, process details, and procedures for review of Gatekeeper applications, increasing transparency and objectivity of the review process.

Proposed Code Amendments to Implement Council Policy G-9

The modifications to Article XVI (Zoning Administration) of Chapter 36 (Zoning) of the City Code create consistency between the Policy and the City Code and seek to refer users to the Policy whenever possible, including the following major changes:

- Providing explicit reference to City Council Policy G-9 for key Gatekeeper processing requirements;
- Removing the existing General Plan and zoning amendments that are exempt from the Council Authorization Hearing process (e.g., split-zoned and industrial-to-residential conversions);
- Removing conflicting or duplicative process information on application submittal, the authorization hearing, and procedural language;
- Updating information on when a project is required to return for reauthorization, consistent with the new Policy;
- Additional guidance on what is required in the project letter that must accompany a Gatekeeper application;
- Updates and additions to the application requirements as referenced in the new Policy; and

- Clarifying language on the Council Authorization Hearing.

The proposed City Code amendments are necessary to align the City Code with City Council Policy G-9.

ENVIRONMENTAL REVIEW

The proposed amendments are exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3). The activity is covered by the general rule (“common sense” exemption) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. No physical development is proposed as part of the project, and the amendments result in the implementation of Program 1.3.f of the City’s adopted Sixth Cycle Housing Element program.

FISCAL IMPACT—None.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information, see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

EXEMPT FROM THE LEVINE ACT

- ☒ General policy and legislative actions

CONCLUSION

The proposed amendments to Chapter 36 (Zoning) of the City Code are intended to implement the recently adopted Council Policy G-9 (Gatekeeper Application Policy and Procedures) and subsections f and g of Housing Element Program 1.3 contained in the 2023-2031 Housing Element. Adoption of the proposed amendments is essential to ensure consistency between the City Code and the Policy.

ALTERNATIVES

Recommend approval of amendments to Chapter 36 (Zoning) of the City Code with modifications that would also implement City Council Policy G-9.

PUBLIC NOTICING

The Council agenda is advertised on Channel 26, and the agenda and this Council report appear on the City's website. All interested stakeholders were notified of this meeting electronically, and public notice of the hearing was published in a newspaper of general circulation per City Code Section 36.56.20.

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Attachments: 1. Draft Ordinance
 2. Council Policy G-9
 3. City Council Staff Report, June 24, 2025
 4. EPC Staff Report, September 17, 2025