

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW  
AMENDING CHAPTER 36 (ZONING) OF THE MOUNTAIN VIEW CITY CODE TO AUTHORIZE  
STREAMLINED ADMINISTRATIVE APPROVAL OF HOUSING DEVELOPMENT PROJECTS THAT ARE  
STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO  
PUBLIC RESOURCES CODE SECTION 21080.66; AND TO MAKE OTHER MINOR MODIFICATIONS  
TO CHAPTER 36 TO ALIGN LAND USES IN THE RESIDENTIAL AND COMMERCIAL ZONES WITH  
STATE LAWS; AND FINDING THAT THE AMENDMENTS ARE EXEMPT FROM REVIEW UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS RECOMMENDED BY  
THE ENVIRONMENTAL PLANNING COMMISSION

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 permitting procedures to align with best practices or regulatory changes; and

WHEREAS, the 2023-2031 Housing Element includes Program 1.1 (Zoning Ordinance Update for Consistency with State Laws) to update the Zoning Ordinance to address consistency with future state laws and Program 4.1 (b) (Development Streamlining and Processing Revisions) to review development and post-development processes, timelines, and approval body levels to streamline permitting processes; and

WHEREAS, on June 30, 2025, the Governor signed Assembly Bill (AB) 130, which made numerous significant changes to state housing law, including significant reforms to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (CEQA); and

WHEREAS, AB 130 established a new statutory CEQA exemption, which exempts qualifying “infill” projects that meet specific criteria from CEQA review (codified at Public Resources Code Section 21080.66); and

WHEREAS, AB 130 and Senate Bill (SB) 158 amended the Permit Streamlining Act (Government Code Section 65920, *et seq.*) to add mandatory timelines for the City to approve or disapprove qualifying “infill” projects within 30 days from the conclusion of the objective standards consistency analysis or the conclusion of the tribal consultation process, whichever is later; and

WHEREAS, pursuant to Government Code Section 65956, in the event the City fails to approve or disapprove a development project within the time frames above, the project is deemed approved; and

WHEREAS, on January 27, 2026, the City Council directed staff to prepare updates to the City Code to allow ministerial approval of housing development projects that qualify for the new statutory CEQA exemption pursuant to Public Resources Code Section 21080.66, without a public hearing, and staff is proposing an administrative process to consider such projects until staff has an opportunity to develop a fully ministerial process; and

WHEREAS, the City seeks to amend the City Code to codify administrative review procedures for projects eligible for the new statutory CEQA exemption under Public Resources Code Section 21080.66 (AB 130) to facilitate the production of housing, including affordable housing, consistent with the goals of the City's Housing Element and state housing policy; and

WHEREAS, other minor clean-up amendments to the City Code will support clarity and consistency with state laws related to child-care centers, family child-care homes, and low-barrier navigation centers; and

WHEREAS, the City has complied with the procedures and requirements set forth in Government Code Section 65853, *et seq.*, and Section 36.52.40, *et seq.* (Zoning amendments), of the City Code; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on April 15, 2026, and recommended that the City Council adopt text amendments to Chapter 36 (Zoning) of the City Code; and

WHEREAS, the City Council held a public hearing on May 26, 2026 on this Ordinance and received and considered all information, documents, and comments presented at said hearing regarding amendment(s) to Chapter 36, including the recommendation from the Environmental Planning Commission, the City Council report, and project materials; now, therefore,

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

**SECTION 1. Findings.** The City Council hereby makes the findings for text amendments to Chapter 36 (Zoning) pursuant to Section 36.52.70 of the City Code:

a. **The proposed amendment(s) is consistent with the General Plan.** The proposed amendments to the Zoning Ordinance are consistent with the General Plan because the amendments implement Program 1.1 and Program 4.1(b) in the Sixth Cycle 2023-2031 Housing Element to ensure consistency with state laws and streamline permitting processes. They are consistent because they do not modify development density or intensity, which are the regulations typically under the purview of the General Plan, and they are consistent with General Plan Policy LUD 1.1 (Efficient and effective processes) as the changes allow streamlined review and approval procedures for qualifying housing development projects;

b. **The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The proposed amendments would not be

detrimental to the public interest, health, safety, convenience, or welfare of the City because the amendments would streamline review of housing developments, resulting in increased opportunities for housing in the City, and they would ensure the City can act in a timely fashion to approve with conditions or disapprove any development project that would be detrimental to the public interest, health, safety, convenience, or welfare of the City;

c. **The proposed amendment(s) is internally consistent with Chapter 36 of the Mountain View City Code.** The proposed amendments are internally consistent with Chapter 36 (Zoning) of the Mountain View City Code because the amendments utilize an existing review authority (administrative/director-level) to approve housing developments that qualify for the statutory CEQA exemption under Public Resources Code Section 21080.66 (AB 130). Additional amendments to the Zoning Code improve clarity and consistency with state law by clarifying that certain uses are allowed by right when operated accessory to residential uses and improve internal consistency; and

d. **The proposed amendment(s) is in compliance with the provisions of the California Environmental Quality Act (CEQA).** The proposed amendments are not a project under CEQA and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000, *et seq.*), pursuant to Public Resources Codes Section 21065 and CEQA Guidelines Section 15378, because they do not approve a project or result in a direct physical impact on the environment or contemplate a known future project, and, as such, there are no known environmental impacts at this time. As a separate and independent basis, adoption of the amendments is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3). The amendments do not preclude implementation of Public Resources Code Section 21080.66, which establishes the statutory CEQA exemption for qualifying “infill” development projects. Other amendments do not result in substantive changes to allowable land uses within existing Zoning Districts. These amendments are, therefore, subject to the common-sense exemption as it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

**SECTION 2.** Chapter 36 (Zoning), Article IV (Residential Zones), Division 2 (Land Uses), Section 36.10.05 (Residential zone land uses and permit requirements) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

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

The uses of land allowed by this 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 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”) (Sec. 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).
- d. Allowed subject to approval of a planned unit development permit (“PUD”) (Sec. 36.46.70).
- e. Allowed subject to approval of a mobile home park permit (“MHPP”) (Sec. 36.48.35).

Land uses that are not listed on the table for a particular zoning district are not allowed in that district, except where otherwise provided by 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
<b>AGRICULTURAL</b>						
Crop production	P	P	P	P	P	
<del>Small animal-keeping</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>36.12.55.g.</del>
<b>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</b>						
Child-care centers	CUP	CUP	CUP	CUP	CUP	36.28.20; 36.60.09
<del>Child-care facilities, large family</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>36.28.20; 36.60.09</del>
<del>Child-care facilities, small family</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>36.28.20; 36.60.09</del>
Community assembly	CUP	CUP	CUP	CUP	CUP	36.60.09
Public recreation	P	P	P	P	P	36.60.35
Recreational vehicle (RV) parks				CUP		36.60.39
Religious institutions	CUP	CUP	CUP	CUP	CUP	36.60.39

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Schools – public and private	CUP	CUP	CUP	CUP	CUP	36.60.41
<b>PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES</b>						
Parking lot or area, public (not accessory to residential)	CUP	CUP	CUP	CUP	CUP	36.60.35
Pipelines and utility lines	P	P	P	P	P	36.60.35
Public safety facilities	CUP	CUP	CUP	CUP	CUP	36.60.35
Public utility facilities	CUP	CUP	CUP	CUP	CUP	36.60.35
<b>RESIDENTIAL</b>						
Accessory dwelling unit	P	P	P	P	P	Article IV, Division 10; 36.60.05
Accessory uses and structures	P	P	P	P	P	Article IV, Division 9; 36.60.05
Dual urban opportunity development	P					Article IV, Division 11; 36.60.11
Duplexes		P	P		P	Article IV, Division 4; 36.60.11
Employee housing <sup>1</sup>	P	P	P	P	P	36.60.13
Home occupations, cottage food operations, microenterprise home kitchen operations	P	P	P	P	P	Article IX, Division 11; 36.60.09; 36.60.19; 36.60.29
Junior accessory dwelling unit	P	P	P	P	P	Article IV, Division 10; 36.60.23
Mobile home parks	MHPP	MHPP	MHPP	MHPP	MHPP	Article IV Division 7; 36.60.29
Manufactured housing	P	P	P	P	P	36.12.30

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Mobile home, single	P	P	P	P	P	36.12.30; 36.60.29
Multiple-family housing development		CUP	P		P	R2 District: Article IV, Division 4; R3 District: Article IV, Division 5; R4 District: Article IV, Division 6; 36.60.29
Residential care home <sup>2</sup>	P	P	P	P	P	36.60.39
<del>Rooming and boarding house or lodging house</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>CUP</del>	<del>36.60.39</del>
<del>Rooming and boarding house or lodging house, 2 persons maximum</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>36.10.85;</del> <del>36.60.39</del>
Rowhouse development		PUD	PUD		PUD	Article IV, Division 15; 36.60.39
Senior care facility	CUP	CUP	CUP		CUP	36.60.41
Senior congregate care housing		CUP	CUP		CUP	
Single-family house or dwelling	P	P	P	P	P	36.60.41
Small-lot, single-family development		PUD	PUD		PUD	Article IV, Division 13; 36.60.41
Supportive housing	P	P	P	P	P	36.60.41
Transitional housing	P	P	P	P	P	36.60.43
Townhouse development		PUD	PUD		PUD	Article IV, Division 14; 36.60.43

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
<b>RESIDENTIAL ACCESSORY USES</b> —These uses are only allowed when located within or accessory to dwelling units.						
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IV, Division 10; 36.60.05</u>
<u>Accessory uses and structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IV, Division 9; 36.60.05</u>
<u>Boarding or lodging house</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>36.60.07</u>
<u>Boarding or lodging house, two (2) persons maximum</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.10.85; 36.60.07</u>
<u>Child-care center co-located with multiple-family development</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>36.28.20; Article IX, Division 23; 36.60.09</u>
<u>Child-care facilities, large-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20; 36.60.09</u>
<u>Child-care facilities, small-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20; 36.60.09</u>
<u>Home occupations, cottage food operations, microenterprise home kitchen operations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IX, Division 11; 36.60.09; 36.60.19; 36.60.29</u>
<u>Junior accessory dwelling unit within a single-family dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IV, Division 10; 36.60.23</u>
<u>Small animal-keeping</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.12.55.g.</u>
<b>SERVICES</b>						
Cemeteries, columbariums (with church)	CUP	CUP	CUP	CUP	CUP	36.28.15; 36.60.09
Medical services, extended care			CUP	CUP	CUP	36.60.29
Offices, property management		CUP	P	P	P	36.60.33

LAND USE	PERMIT REQUIREMENTS BY ZONE					
	R1	R2	R3	RMH	R4	SEE SECTION
Offices, temporary real estate	TUP	TUP	TUP	TUP	TUP	Article XVI, Division 3; 36.60.33
<b>OTHER USES</b>						
Safe parking <sup>3</sup>	CUP	CUP	CUP	CUP	CUP	Article IX, Division 22; 36.60.41; Chapter 19
Temporary uses	TUP	TUP	TUP	TUP	TUP	Article XVI, Division 3

- <sup>1</sup> Subject to the same permitting requirements as a single-family dwelling.
- <sup>2</sup> 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.
- <sup>3</sup> 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
Permitted use, zoning compliant	P	Article XVI, Division 2
Conditional use, conditional use permit required	CUP	Article XVI, Division 6
Planned unit development, planned unit development permit required	PUD	Article XVI, Division 5
Temporary use, temporary use permit required	TUP	Article XVI, Division 3
Mobile home park, mobile home park permit required	MHPP	Article XVI, Division 7
Use not allowed	(blank)	

**SECTION 3.** Chapter 36 (Zoning), Article V (Commercial Zones), Division 2 (Land Uses), Section 36.18.05 (Commercial zone land use permit requirements) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**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 exterior building or site modifications.
- b. Allowed subject to approval of a conditional use permit (“CUP”) (Sec. 36.48).
- c. Allowed subject to approval of a temporary use permit (“TUP”) (Sec. 36.46).
- d. 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:** 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.

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<b>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</b>					
Adult entertainment establishments				CUP	36.28.10; 36.60.05
Child-care centers	CUP	CUP	CUP	CUP	36.28.20; 36.60.09
<del>Child-care facilities, large family</del>				<del>P</del>	<del>36.28.20; 36.60.09</del>
<del>Child-care facilities, small family</del>				<del>P</del>	<del>36.28.20; 36.60.09</del>
Community assembly	CUP		CUP	CUP	36.60.09
Cultural institutions	CUP		CUP	CUP	36.60.09

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Indoor recreation and fitness centers—4,000 square feet or less	P	P		P	36.18.30; 36.60.21
Indoor recreation and fitness centers—more than 4,000 square feet	CUP	CUP		P	36.60.21
Learning center	CUP	CUP	CUP	P	36.60.27
Outdoor recreation				CUP	36.60.33
Pool and billiard rooms				CUP	36.60.35; Chapter 25
Public recreation	P	P	P	P	36.60.35
Religious institutions	CUP		CUP	P	36.60.39
Schools—public	CUP	CUP	CUP	CUP	36.60.41
Schools—private	CUP		CUP	CUP	36.60.41
Schools—specialized education and training	CUP	CUP	CUP	CUP	36.60.41
<b>PROCESSING AND PRODUCTION</b>					
Food products		P			36.60.15
Furniture and fixtures		P			36.60.15
Laundry and dry-cleaning plants		P			36.60.27
Printing and publishing		P			36.60.35
Recycling facilities—reverse vending machines	CUP	CUP	CUP	CUP	Article IX, Division 13; 36.60.39
Recycling facilities—small collection facility	CUP	CUP	CUP	CUP	Article IX, Division 13; 36.60.39
Wholesaling and distribution		P			36.60.49
<b>PUBLIC SAFETY FACILITIES, TRANSPORTATION, AND UTILITIES</b>					
Hydrogen fueling station	P	P	P	P	36.30.120; 36.60.19
Pipelines and utility lines	P	P	P	P	36.60.35
Public safety facilities	CUP	P	CUP	CUP	36.60.35
Public utility facilities	CUP	P	CUP	CUP	36.60.35
Transit stations and terminals		CUP		CUP	36.60.43
<b>RESIDENTIAL</b>					
Accessory dwelling unit	P	P	P	P	Article IV, Division 10; 36.60.05

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
Accessory uses and structures	P	P	P	P	Article IV, Division 9; <del>36.60.05</del>
Efficiency studios				CUP	Article IX, Division 9; 36.60.13
General plan mixed-use village center (only where identified in the general plan) <sup>1</sup>	CUP	CUP	CUP		Article IX, Division 23; 36.60.17
Home occupations, cottage food operations, microenterprise home kitchen operations				P	Article IX, Division 11; 36.60.19
Mobile home parks				MHPP	Article IV, Division 7; 36.60.29
Multiple-family housing development, townhouse development, rowhouse development, <u>supportive housing</u> , <sup>1</sup> <u>transitional housing</u> or mixed-use commercial/housing development				CUP	Article IV, Division 14; Article IV, Division 15; 36.18.50; 36.60.29; 36.60.39; <u>36.60.41</u> ; 36.60.43
Residential care home	P	P	P	P	36.60.39
<b><u>RESIDENTIAL ACCESSORY USES</u>—These uses are only allowed when located within or accessory to dwelling units.</b>					
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IV, Division 10; 36.18.50; Article IX, Division 23; 36.60.05</u>
<u>Accessory use or structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IV, Division 9; 36.60.05</u>
<u>Child-care facilities, large-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20; 36.60.09</u>
<u>Child-care facilities, small-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20; 36.60.09</u>

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<u>Child-care center co-located with multiple-family development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>36.28.20; Article IX, Division 23; 36.60.09</u>
<u>Home occupations, cottage food operations, microenterprise home kitchen operations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Article IX, Division 11; 36.60.19</u>
<b>RETAIL</b>					
Accessory retail uses	P	P	P	P	36.28.05; 36.60.05
Auto/motor vehicle, boat, and parts sales		P		CUP	36.30.25; 36.60.05
Bars		CUP		CUP	36.60.07
Building material stores (not including concrete)		P		CUP	36.60.07
Liquor stores	CUP			P	36.60.27
Outdoor retail sales, permanent		CUP		CUP	36.28.95; 36.60.33
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	Article XVI, Division 3; 36.60.33
Restaurant—4,000 square feet or less	P	P		P	36.18.30; 36.60.39
Restaurant—more than 4,000 square feet	P	CUP		P	36.60.39
Restaurant serving liquor	CUP	CUP		P	36.60.39
Restaurant with entertainment (serving or not serving liquor)				CUP	36.60.39
Retail, general merchandise—4,000 square feet or less	P	P		P	36.18.30; 36.60.39
Retail, general merchandise—more than 4,000 square feet	P	CUP		P	36.60.39
Shopping center	P			CUP	36.60.41
Significant tobacco retailer				CUP	36.30.20; 36.30.30; 36.60.41
Warehouse retail		CUP			36.30.40; 36.60.49

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
<b>SERVICES</b>					
Animal service establishment	CUP	CUP	CUP	CUP	36.30.35; 36.60.05
Automatic teller machine (ATM)	P	P	P	P	36.60.05
Auto/motor vehicle repair—minor or major		P		CUP	36.30.25; 36.60.05; Chapter 39
Auto/motor vehicle storage		P			36.60.05
Auto/motor vehicle tow yard		CUP			36.60.05
Banks and financial services	P		P	P	36.60.07
Business services		P		P	36.60.07
Cannabis business, nonstorefront retail		CUP			Article IX, Division 21; 36.60.09; Chapter 9
Cemeteries, columbariums and mortuaries			CUP	P	36.28.15; 36.60.09
Construction yard and equipment		P			36.60.09
Drive-in and drive-through facilities	CUP	CUP	CUP	CUP	36.28.30; 36.60.11
Hotels and motels				CUP	36.18.50; 36.60.19
Parking lot or area, public		CUP		CUP	36.60.35
Medical services—less than 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—more than 20,000 square feet			CUP	CUP	36.60.29
Medical services—hospitals and extended care			CUP	CUP	36.60.29
Offices	CUP	P	P	P	CN District: 36.18.15-b <sub>2</sub>

LAND USE	PERMIT REQUIREMENTS BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
					CS District: 36.18.20; 36.60.33
Offices, research and development		P		CUP	CS District: 36.18.20; CRA District: 36.18.25; 36.60.33
Personal services— 4,000 square feet or less	P	P		P	36.18.30; 36.60.35
Personal services— more than 4,000 square feet	P	CUP		P	36.60.35
Service station	CUP	CUP		CUP	36.30.15; 36.60.41
Storage, accessory	P	P	P	P	36.60.41
Warehousing		P			36.60.49
<b>OTHER USES</b>					
Emergency shelter	CUP	CUP	CUP	CUP	Article IX, Division 10; 36.60.13
Low-barrier navigation center	P	P	<del>CUP</del> P	P	Article IX, Division 10; 36.60.27
Safe parking	CUP	CUP	CUP	CUP	Article IX, Division 22; 36.60.41; Chapter 19
Temporary uses	TUP	TUP	TUP	TUP	Article XVI, Division 3
Uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	CUP	CUP	36.18.05.d

<sup>1</sup> Supportive housing that meets the requirements of Government Code Section 65650 shall be a use by right in zones where multi-family and mixed uses are permitted, in accordance with state law. Supportive housing that does not meet the requirements of Government Code Section 65650 shall apply the permit requirements in the table.

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliant	P	Article XVI, Division 2
Conditional use, conditional use permit required	CUP	Article XVI, Division 6

Temporary use, temporary use permit required	TUP	Article XVI, Division 3
Use not allowed	(blank)	

**SECTION 4.** Chapter 36 (Zoning), Article IX (Standards For Specific Land Uses), Division 5 (Child Day-Care Facilities), Section 36.28.20 (Child-day care facilities) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**DIVISION 5.  
CHILD DAY-CARE FACILITIES**

**SEC. 36.28.20. - Child ~~day~~-care facilities.**

This ~~s~~Section establishes standards for city review of child ~~day~~-care facilities, in conformance with state law, including the limitations on the city’s authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this ~~c~~Chapter and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the ~~d~~Department of ~~s~~Social ~~s~~Services is required for all child ~~day~~-care facilities.

a. **Small- and large-family ~~day~~child-care homes.** Considered a residential use of property and Permitted within any ~~single family or multi family dwelling in a residential zone dwelling unit.~~ Subject to identical development standards applicable to residential uses within the property’s district.

b. **Child-~~day~~- care centers not co-located with multiple-family residential development.** Allowed in the zoning districts determined by ~~Sections-~~ 36.10.05 (Residential ~~Z~~zones), 36.18.05 (Commercial ~~Z~~zones), 36.20.05 (Industrial ~~Z~~zones), 36.22, 36.24, 36.24.35, 36.26, and 36.26.35 (Special ~~P~~urpose ~~Z~~zones), subject to conditional use permit approval (~~Section-~~ 36.48), and the following:

1. **Spacing/concentration.** No residential property shall be bordered on more than one (1) side by a child day-care facility.

2. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day-care home may serve as its drop-off area. Adequate drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or does not create circulation problems in parking lots.

3. **Adjacent uses.** The proposed site shall not be located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.

4. **Outdoor play areas.** Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.

5. **Development review approval.** Development review approval shall be required as provided in city code ~~Section-~~ 36.44.45.

**c. Child-care centers co-located with multiple-family residential development.** Notwithstanding any provision of the city code to the contrary, any child-care facility co-located with multiple-family housing shall be considered a residential use of property and be subject to identical development standards applied to the multiple-family housing.

**SECTION 5.** Chapter 36 (Zoning), Article IX (Standards For Specific Land Uses), Division 23 (General Plan Mixed-Use Village Center Developments), Section 36.30.113 (General plan mixed-use village center—Special land use standards) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**SEC. 36.30.113. - General plan mixed-use village center—Special land use standards.**

a. **Allowed residential uses.** Only multi~~ple~~-family ~~dwellings, including supportive housing and transitional housing,~~ residential uses are allowed. ~~Other uses are also allowed if typically allowed with multi-family development, including residential accessory uses and structures, supportive and transitional housing, small and large family day care, home occupations, residential care homes and rooming and boarding. The permit requirements of the R4 zone shall apply.~~ Single-family homes, townhouses, rowhouses and any other residential use with individual private garages are prohibited.

b. **Accessory dwelling units.** Accessory dwelling units shall be permitted and shall comply with the provisions of ~~Section-~~ 36.12.85. Accessory dwelling units are not allowed to occupy neighborhood commercial floor area required under this Division.

c. **Allowed land uses in ground-floor commercial spaces.** Per the CN zoning district in ~~Section-~~ 36.18.05.

d. **Additional permitted land uses in the CO zoning district.** In addition to the CN zoning district uses, administrative and executive offices are permitted in the CO zoning district.

**SECTION 6.** Chapter 36 (Zoning), Article XIV (Affordable Housing Program), Division 3 (Commercial and Industrial Development: Housing Impact Fee Program), Section 36.40.65 (Fee; calculation of fee; alternative to payment of fee; adjustment and waivers; exemptions) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**SEC. 36.40.65. - Fee; calculation of fee; alternative to payment of fee; adjustment and waivers; exemptions.**

a. **Housing impact fee.** A housing impact fee is hereby imposed on all developers of nonresidential projects that involve the construction of new floor area, except as otherwise set forth herein.

b. **Calculation of housing impact fee.**

1. The housing impact fee for nonresidential development projects shall be charged on a per-square-foot basis for all net new gross floor area, including all additions where floor area is increased, with a specific per-square-foot amount set for each nonresidential land use category and amount of floor area identified in Table 36.40-1 below. The amount of the fee shall be computed as follows: (gross square feet nonresidential floor area minus existing floor area) x (applicable fee as listed in Table 36.40-1) = housing impact payment.

2. The amount of each such fee shall be established by resolution of the city council and shall be adjusted annually as a part of the city's annual budget process by the percentage change in the Consumer Price Index for the San Francisco-Oakland-San Jose area for the previous year.

3. In calculating the fee, the chief building official shall use those fees in effect by resolution of the city council at the time of the issuance of the building permit or, if no building permit is required, at the time of issuance of a use or other discretionary permit.

4. The community development director shall determine the appropriate land use category as set forth in Table 36.40-1 below for each new nonresidential development project.

TABLE 36.40-1  
HOUSING IMPACT FEE REQUIREMENTS

Land Use Category	Fifty (50) Percent of Full Fee	Full Fee
Office/high tech/industrial	New gross floor area between 1 and 10,000 square feet	New gross floor area that exceeds 10,000 square feet
Commercial/retail/entertainment	New gross floor area between 1 and 25,000 square feet	New gross floor area that exceeds 25,000 square feet
Hotel	New gross floor area between 1 and 25,000 square feet	New gross floor area that exceeds 25,000 square feet

c. **Alternative to payment of a housing impact fee.** As an alternative to payment of the housing impact fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land or provision of other resources. Such requests may be granted in the sole discretion of the city council, if the city council determines that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the housing impact fee. However, for combined or mixed-use projects subject to administrative approval pursuant to Section 36.44.75 of the city code, requests for alternatives to payment of housing impact fees may be granted by the housing director, in consultation with the community development director, upon a determination that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the housing impact fee.

d. **Adjustment, reduction or waiver.** An adjustment, reduction or waiver of the fees required by this ~~s~~Section may be granted ~~by the city council~~ for nonresidential development projects under the following circumstances:

1. Upon the remodeling of a building to add square footage, the appropriate housing impact fee shall be paid only on the additional square footage.
2. If the nonresidential development project is in whole or part a replacement for space previously on the site, but vacated or demolished in the twelve (12) months prior to the filing of the application for a zoning permit for the new construction or remodel, credit shall be given for the space vacated or demolished or to be vacated or demolished at the rate applicable to the prior use of that space.
3. If the nonresidential development project is constructed for a specific use involving no employees or fewer than one (1) employee per two thousand (2,000) square feet of gross floor area, the project may be eligible for a waiver of the fees. To be eligible for a waiver,

the building must be designed and built such that it cannot be converted to a use capable of housing a larger number of employees except by major reconstruction. The burden of proof shall be on the applicant. If a waiver is granted, a “notice of conditional waiver of housing impact fee” shall be recorded in the Santa Clara County Office of the Recorder. If a subsequent change in the use or structure of the building occurs which involves additional employees, the waiver granted herein shall be deemed revoked, subject to a hearing before the zoning administrator, who shall make a recommendation on the revocation to the city council. The decision of the city council shall be final.

4. If, upon evaluation of facts presented by the applicant, there is an absence of any reasonable relationship or nexus between the impact of the development and the need for housing, the project shall be eligible for a waiver of the fees.

Adjustment, reduction or waiver of the fees required by this Section may be granted by the city council for all development projects, except adjustments, reduction or waiver of the fees required by this Section may be granted by the housing director, in consultation with the community development director, for combined or mixed-use development projects subject to administrative approval pursuant to Section 36.44.75 of the city code.

e. **Exemptions.** This fee shall not apply to developers of nonresidential projects which fall within one (1) or more of the following categories:

1. Buildings which are owned and at least seventy-five (75) percent occupied by governmental or nonprofit agencies and organizations.

2. Any building which is damaged or destroyed by fire or natural catastrophes so long as the total square footage of the repaired or replaced building remains the same.

f. **Grandfather provision.** The following nonresidential projects shall be exempt from the provisions of this ~~a~~Article:

1. Projects for which a complete application has been submitted by December 11, 2001 and final approval for a valid zoning permit has been issued and is in effect as of March 9, 2002; or

2. Projects for which a complete application has been submitted by December 11, 2001 and final approval for a valid zoning permit has been issued and is in effect as of March 9, 2002; and which are subsequently the subject of a revised application except that any increase in the amount of originally approved floor area shall be subject to the provisions of this ~~a~~Article.

**SECTION 7.** Chapter 36 (Zoning), Article XVI (Zoning Ordinance Administration), Division 1 (Authority for Land Use and Zoning Decisions) of the City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are

shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**SEC. 36.44. - Authority for land use and zoning decisions.**

**SEC. 36.44.05. - Purpose.**

This Section identifies the city official or body responsible for reviewing and making decisions on land use and development permits as well as amendments to precise plans, the general plan, the zoning map and this Chapter.

**SEC. 36.44.10. - Review authority.**

The following sSections describe the duties and powers of city officials and administrative bodies responsible for acting on the land use permits and entitlements contained in this 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 Article is given in Table 36.44-1.

**Table 36.44-1  
Review Authority**

<b>Type of Permit or Decision</b>	<b>Community Development Director</b>	<b>Subdivision Committee</b>	<b>Zoning Administrator</b>	<b>Environmental Planning Commission<sup>1</sup></b>	<b>City Council</b>
CEQA	F		R/F	R	F/ <u>A</u>
Conditional use permits			F		A
Development agreements			R		F
Development review			R/F		F/A

Type of Permit or Decision	Community Development Director	Subdivision Committee	Zoning Administrator	Environmental Planning Commission <sup>1</sup>	City Council
<u>Development review of administrative housing approvals<sup>2</sup></u>	F				A
General plan amendments				R	F
Interpretations			F		A
Ministerial housing approvals <sup>2,3</sup>	F				
Mobile home park permit			F		A
Planned unit development permits			F		A
Planned community permits			R/F	R	F
Precise plans				R	F
Special design permit			F		A
Subdivisions <sup>3</sup> Lot line adjustment	F				A
Parcel maps		F			A
Tentative tract maps		R			F
Subdivision extensions					
Temporary use permits			F		A
Variances			F		A
Zoning map and/or text amendments				R	F
Zoning permit extension			F		A

Type of Permit or Decision	Community Development Director	Subdivision Committee	Zoning Administrator	Environmental Planning Commission <sup>1</sup>	City Council
<u>Subdivisions<sup>4</sup></u>					
<u>Administrative housing approval subdivisions<sup>2</sup></u>	<u>F</u>				<u>A</u>
<u>Lot line adjustment</u>	<u>F</u>				<u>A</u>
<u>Ministerial housing approval subdivisions<sup>3</sup></u>	<u>F</u>				
<u>Preliminary parcel map</u>		<u>F</u>			<u>A</u>
<u>Tentative map</u>		<u>R</u>			<u>F</u>
<u>Extension</u>		<u>F</u>			<u>F/A</u>

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

<sup>1</sup> 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.

<sup>2</sup> Approvals pursuant to Section 36.44.75.

<sup>3</sup> State-mandated housing approvals.

<sup>4</sup> 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 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;
- (b) Temporary use permits;
- (c) Variances;
- (d) Planned unit development permits;
- (e) Conditional use permits;
- (f) Special design permits;
- (g) Applications for development review;
- (h) Permit extensions;
- (i) Mobile home park permits;
- (j) Planned community permits when allowed by a precise plan;
- (k) Interpretation of this Chapter; and
- (l) California Environmental Quality Act (CEQA) determination<sup>s</sup> for these items;

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 Article.

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 map or new or amended precise plan to the environmental planning commission for concurrent review and recommendation to the city council.

#### **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.

**SEC. 36.44.25. - Subdivision committee.**

The duties, responsibilities and powers of the subdivision committee shall be as provided by Chapter 28 of the ~~City Code~~ (Subdivisions) ~~except, in lieu of a separate subdivision committee public hearing, the subdivision committee shall refer any subdivision map application being processed concurrently with a general plan amendment, amendment to the text of the zoning ordinance, amendment to the zoning map, or new or amended precise plan to the environmental planning commission for concurrent review and recommendation to the city council.~~

**SEC. 36.44.30. - Environmental planning commission.**

a. **Appointment and membership.** The commission shall consist of seven (7) members, appointed by the city council, who serve in compliance with the provisions of this chapter and the city charter Section 906.

b. **Duties and powers.** The commission shall have all powers assigned to it under the city charter Section 906 (a-c) and shall exercise the following functions to safeguard the environmental quality of the community:

1. Establish, maintain and monitor an environmental planning process;
2. Identify community-wide goals, through citizen contact and initiate programs to implement and monitor such goals;
3. Formulate and make recommendations to the council for final determinations on new street plan lines, precise plans, general plan amendments, zoning map amendments, zoning text amendments, environmental clearance documents and other applicable policy or ordinance matters related to the city's planning process;
4. Monitor the city's zoning standards and map to ensure consistency with the community's land use objectives;
5. Communicate with the council, public agencies and citizens regarding the environment and plan implementation and subregional and regional planning; and
6. Review and make recommendations on CEQA determinations for these items.

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

**SEC. 36.44.35. - City council.**

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

1. Appeals on nonministerial determinations by the community development director, subdivision committee and zoning administrator;
2. Tentative and final Ssubdivision 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 Items 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.

Notwithstanding the foregoing, housing development projects consistent with Section 36.44.75 may be approved administratively and shall not be subject to city council review or final approval, except as otherwise provided in the city code or required by state law.

**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.~~

In addition to or prior to the preapplication meeting, a prospective applicant with authorization of the property owner(s) may voluntarily 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 8.** Chapter 36 (Zoning), Article XVI (Zoning Ordinance Administration), Division 2 (Development Review Process), Section 36.44.65 (Development review procedures) and Section 36.44.70 (Findings) of the City Code are hereby amended to add, delete, or modify its provisions as set forth below, including the addition of a new Section 36.44.75 (Administrative Approval for Qualifying Housing Developments Subject to Public Resources Code Section 21080.66). Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**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 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. 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. 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;
4. Minor facade modifications, including: adding or removing door(s), automated teller machines (ATMs) at an existing bank, handicapped-accessible ramps, additions to single-family structures with nonconforming setbacks and minor architectural enhancements to multi-family structures which conform to approved plans;
5. 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;
6. 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;
7. Facade modifications to multi-family, commercial and industrial structures where less than one thousand (1,000) square feet of additional floor area is proposed;
8. Modification or minor additions to existing site plans and/or structures located in the planned community zoning district as provided by Section 36.50.30.b. or where the precise plan allows for minor modifications;
9. 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;
10. Development on sites with existing nonconforming structures (see Section 36.06.60);
11. Modifications to residential structures for reasonable accommodations (see Section 36.08.40);

12. Multi-family accessory structure(s);
13. New or modified outdoor dining located on private property. This includes outdoor dining located within the downtown precise plan;
14. New or modified merchandise displays located on private property within the downtown precise plan; and
15. Parking reductions associated with an increase in bedrooms within an existing multiple-family residential dwelling unit per Section 36.32.70.

In addition to the above projects, housing development projects consistent with Section 36.44.75 may also be approved administratively.

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 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;

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.

#### **SEC. 36.44.70. - Findings.**

Approval of a project shall require written findings supporting the conformance of the project with adopted city standards and design guidelines. The findings shall be based upon the following:

a. The project design is consistent with the general design considerations as described by the purpose and intent of this Chapter, the general plan and any city-adopted design guidelines;

b. The architectural design of structures, including colors, materials and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.) are compatible with surrounding development;

c. The location and configuration of structures, parking, landscaping and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property;

d. The general landscape design ensures visual relief, complements structures, provides an attractive environment and is consistent with any adopted landscape program for the general area;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation and parking; and

f. The approval of the development review permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

**SEC. 36.44.75. - Administrative approval for qualifying housing developments subject to Public Resources Code Section 21080.66.**

Notwithstanding any other procedure prescribed in this Chapter or in any precise plan, housing developments meeting the requirements of this Section may be reviewed and approved administratively by the community development director, in consultation with other departments, as necessary, without a hearing, unless a hearing is specifically requested pursuant to the noticing procedures of this Section.

a. **Applicability.** This Section shall apply to development projects that qualify for and utilize the statutory exemption provided in Section 21080.66 of the Public Resources Code.

b. **Findings.** Administrative approval of housing development projects pursuant to this Section shall require written findings supporting the conformance of the project with applicable objective standards and statutory requirements. In addition to any other findings required by this city code, the findings shall be based upon the following:

1. The project meets all applicable criteria for a statutory exemption from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.66, and all procedural requirements therein have been completed.

2. The project is consistent with all applicable general plan, zoning code, precise plan, and/or city code development standards or other requirements.

3. The proposed project is in substantial compliance with the intent of any exception or alternative requirement allowed by the city code or precise plan.

4. If applicable, the project shall also make findings for density bonus in Section 36.48.95.

c. **Noticing and hearing procedures.** The community development director or designee shall provide a notice to those persons and entities listed in Section 36.56.20 of the city code at the time of making a determination that the application is complete.

1. The notice shall provide a period of not less than fourteen (14) days from the date of the notice to provide written public comment on the project and to request a hearing thereon.

2. Failure of any individual or entity to receive a notice shall not constitute grounds to invalidate the city actions in the absence of evidence showing the notice was mailed to the wrong address.

3. A hearing shall occur only when timely requested in writing by the applicant or other person(s). The director must receive any hearing request within fourteen (14) days of the date of the notice.

4. Upon receipt of a timely submitted request for a hearing, the community development director or designee shall provide a notice specifying the time and location of the hearing to those persons and entities listed in Section 36.56.20 of the city code not less than fourteen (14) days prior to the hearing.

5. The community development director shall consider all written public comments received, and any written or verbal comments provided at a hearing, if requested, prior to taking final action on a project.

d. **Approval timelines.** The review and approval of housing developments subject to administrative approval pursuant to this section shall be subject to the time limits in Public Resources Code Section 21080.66, as may be amended from time to time, or any successor statute. Nothing in this Chapter or any other provision of the city code shall be construed to establish additional or separate review or approval deadlines for such projects.

e. **Appeals.** Decisions made under this Section may be appealed to the city council in accordance with Section 36.56 (Applications, hearings and appeals) of Chapter 36 of the city code. The city clerk shall be the clerk of the appeal board for purposes of filing an appeal.

f. **Other associated permits and entitlements.** Notwithstanding any provision of the city code to the contrary, any associated subdivision map or heritage tree removal permit shall also be approved administratively by the community development director in accordance with this Section. No other permits in this Chapter shall be required.

**SECTION 9.** Chapter 36 (Zoning), Article XVII (Definitions), Division 2 (Definitions), Section 36.60.41 (Definitions – “S.”) and Section 36.60.43 (Definitions – “T.”) of the City Code are hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

#### **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 Section- 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 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.** As defined in California Government Code Section 65582. Unless otherwise amended, that definition is: housing with no limit on length of stay, that is occupied by the target population and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving their health status and maximizing their ability to live and, when possible, work in the community. ~~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 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, consistent with Government Code Section 65583(c)(3). "Supportive housing" includes, but is not limited to, projects consistent with Government Code 65650.

**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.

#### **SEC. 36.60.43. - Definitions - "T."**

**Theaters.** Indoor facilities for public assembly and group entertainment other than sporting events, such as: public and semipublic auditoriums, exhibition and convention halls, civic theaters and facilities for "live" theater and concerts, motion picture theaters and similar public assembly uses.

**Townhouse development.** A group of two (2) or more attached single-family dwellings where each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from others by one (1) or more common and fire-resistant walls and owners have fee simple title to the property and each has a private "open area."

**Trailer.** Any unit used or designed to be used for living or sleeping purposes, or both, and which is designed to be equipped with wheels or similar devices used, or to be used, for the purpose of transporting said unit from place to place, in compliance with the provisions of the California Vehicle Code, whether by motive power or other means.

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

**Transit stations and terminals.** Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Transitional housing.** As defined in California Government Code Section 65582. Unless otherwise amended, that definition is: buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. ~~A facility or use that provides housing accommodations and support services for persons or families, but restricts occupancy to no more than twenty four (24) months. Support services may include meals, counseling and other services, as well as common areas for residents of the facility.~~ Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type and zone, consistent with Government Code Section 65583(c)(3).

**SECTION 10. Severability.** 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 11. Publication.** 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.

**SECTION 12. Effective Date.** Pursuant to Section 519 of the Mountain View City Charter, this Ordinance shall be effective thirty (30) days from and after the date of its adoption.

-----

CDD/DP-04-15-26o