

DATE: December 5, 2023

TO: City Council

FROM: Community Development Department

SUBJECT: **Supplemental Memo - Modifications to Attachment 1 of Item 6.1**

This supplemental memo includes modifications to the staff recommendation in the Council Report originally posted on November 30, 2023 for Item 6.1. Staff recommends the following modifications (highlighted in **blue text**):

- 1. Revise Section 36.12.75.d of Pages 13-14 of Attachment 1 to align with the revised height allowance for multi-family residential ADUs:**
“Not more than two (2) accessory dwelling units that are located on a lot that has an existing multi-family dwelling are allowed to be detached from that multi-family dwelling subject to a height limit of sixteen (16) feet in compliance with Section 36.12.85 and four (4) foot rear yard and side setbacks.”

2. Revise the Commercial Land Use Table in Section 36.18.05 on Pages 20-26 of Attachment 1 to align residential care facilities in commercial zones where multifamily residential is allowed per State Law:

| LAND USE | PERMIT REQUIREMENTS BY ZONE | | | | |
|--------------------------------------------------------------------------------------------------|-----------------------------|------------|------------|-------------|---------------------------------------|
| | CN | CS | CO | CRA | Notes SEE SECTION |
| RESIDENTIAL | | | | | |
| Accessory dwelling unit | | | | P | 36.18.50, 36.12.60 |
| Efficiency studios | | | | CUP | 36.28.40 |
| Emergency shelters | CUP | CUP | CUP | CUP | 36.28.60 |
| <u>General plan mixed-use village center (only where identified in the general plan)</u> | <u>CUP</u> | <u>CUP</u> | | | <u>36.30.110,</u> <u>36.30.115</u> |
| Home occupations, <u>cottage food operations,</u> <u>microenterprise home kitchen operations</u> | | | | P | 36.28.75 |
| <u>Low-barrier navigation center</u> | <u>P</u> | <u>P</u> | <u>CUP</u> | <u>P</u> | <u>36.28.60</u> |
| <u>Mobile home parks</u> | | | | <u>MHPP</u> | <u>36.12.15</u> |
| Multi-family housing, townhouses, rowhouses, or mixed-use commercial/housing | | | | CUP | 36.18.50 |
| <u>General plan mixed-use village center (only where identified in the general plan)</u> | <u>CUP</u> | <u>CUP</u> | | | <u>36.30.110</u> <u>36.30.115</u> |
| Residential accessory use structures | | | | P | 36.12.35 |
| Residential care home | P | P | | P | |
| Safe parking | CUP | CUP | CUP | CUP | 36.32 and Chapter 19 |

3. Delete new Section 36.56.12 in its entirety on page 78 of Attachment 1 to remove the proposed limitation on the number of application filings for new development at the same site at the same time:

~~“SEC. 36.56.12.— Number of filings.~~

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

Should Council choose to adopt a motion with staff's revised recommendation, then these changes are captured in the following redlined text added to Item 2:

1. Find the proposed amendments to Chapters 8 (Buildings), 25 (Neighborhood Preservation), 28 (Subdivisions), 32 (Trees, Shrubs and Plants), 35 (Water, Sewage and Other Municipal Services), and 36 (Zoning) of the Mountain View City Code to be exempt under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061, Subsections (b)(1) through (b)(3), as the amendments are to align with State legislation, implement adopted Housing Element programs, relate to ministerial activities otherwise categorically exempt under the CEQA Guidelines, and are otherwise covered by the common-sense exemption that the amendments will not result in a significant effect on the environment.
2. Introduce an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Align with Recently Enacted State Law and to Implement 2023-2031 Housing Element Programs, Including Updates to Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations, the Land Use Table and Development Standards in Residential, Commercial, and Industrial Zones Related to Low-Barrier Navigation Centers, Child Day Care, Employee Housing, and Other Residential Uses, and Parking Requirements, and Provisions for Microenterprise Home Kitchen Operations and Hydrogen Fueling Stations; to Modify Provisions Related to Entitlement Applications, Development Review, Hearing and Extension Processes; to Clarify or Streamline Existing Procedures and Practices; to Incorporate Permit Provisions for Moving Buildings; and to Make Modifications, Clarifications, and Technical Corrections, to be read in title only, further reading waived, and set a second reading for January 23, 2024 (Attachment 1 to the Council report) **with modifications as described in the staff supplemental memo to revise Section 36.12.75.d to refer to Section 36.12.85 for applicable height limits of multifamily residential ADUs; to revise the Commercial Land Use Table in Section 36.18.05 to add residential care home as a permitted use in the CN, CS and CRA zoning districts per State Law; and to delete Section 36.56.12 in its entire regarding a one application filing limitation.**

3. Introduce an Ordinance of the City of Mountain View Approving Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 32 (Trees, Shrubs and Plants), and Chapter 35 (Water, Sewage and Other Municipal Services) to Replace References to the Development Review Committee with Design Review, Align with State Laws on Electric Amendments to Chapter 8 (Buildings), Chapter 25 (Neighborhood Preservation), Chapter 28 (Subdivisions), Chapter 32 (Trees, Shrubs and Plants), Chapter 35 (Water, Sewage and Other Municipal Services), and Chapter 36 (Zoning) of the City Code December 5, 2023 Page 2 of 18 Vehicle Charging Requirements and Micro-Enterprise Home Kitchen Operations, and Relocate Certain Accessory Dwelling Unit Provisions from Chapter 36 into Chapter 8; and Amendments to Chapter 28 (Subdivisions) to Modify Lot Line Adjustment Procedures and Clarify Existing Subdivision Map Extension Procedures, to be read in title only, further reading waived, and set a second reading for January 23, 2024 (Attachment 2 to the Council report).

4. Adopt a Resolution of the City Council of the City of Mountain View Making Findings Required by California Public Utilities Code Section 21676 That the Proposed Amendments to Chapter 36 (Zoning) of the City Code Is Consistent with the Purposes Set Forth in California Public Utilities Code Section 21670 and Overruling the Santa Clara County Airport Land Use Commission (ALUC) Determination That Said Amendments Is Inconsistent With Certain ALUC Noise, Height and Safety Zone Policies as Defined by the Comprehensive Land Use Plan For Moffett Airfield Airport (Attachment 3 to the Council Report).