



CITY OF MOUNTAIN VIEW

# **ENVIRONMENTAL PLANNING COMMISSION HANDBOOK**

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## NOTES AND QUESTIONS

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## CHAPTER I

### EPC Organization and Responsibilities

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#### A. Composition and Officers

The Environmental Planning Commission (EPC) consists of seven members appointed by the City Council (Council). The term of appointment is four years, although an EPC member may be appointed to fill the remaining portion of a resigning EPC member's appointment. Generally, an EPC member may serve only two terms, and an appointment to fill less than two years of an unexpired term is not counted towards the two-term limit. The EPC members are appointed "at large," meaning they do not specifically represent any geographical area or any particular interest group but are selected to collectively provide a representative balance of the broad population of the City. The overriding criteria for appointment must be that the person appointed can bring skill, integrity, knowledge, interest, and especially an understanding of the basic obligation to evaluate issues in the broad context of public interest. For more information, please refer to Council Policy K-2 – Board, Commission and Committee Appointments ([Council Advisory Bodies Handbook](#)).

The EPC has two officers, a Chair and a Vice Chair, elected annually from the EPC membership by open vote at the first meeting of each year. The terms of both are one year; however, an EPC member can be reelected to either position.

The Community Development Director's designee to serve as the Secretary to the EPC is the Principal Planner. The Secretary manages preparation of EPC agendas, staff reports, and minutes and assists the EPC members in performing their duties.

#### B. Powers and Duties of the EPC

The EPC is established by State law ([Government Code Section 65100 et seq.](#)), the City of Mountain View Charter ([Section 906](#)), and by the Zoning Ordinance ([Section 36.44.30](#)). Mountain View is a charter city, which is a city created by a special act of the California Legislature; therefore, the Charter and the Zoning Ordinance contain the most applicable definition of the EPC member's duties. Generally, the powers and duties under which the City operates is defined by the City's Charter rather than by the State general law.

The City Charter gives the EPC responsibility to review and make recommendations to the Council regarding the following: (1) plans for the physical development of the City (specifically including the General Plan, Zoning Ordinance, and Precise Plans) and amendments thereof; (2) subdivisions, planning, and zoning as

prescribed by ordinance or resolution; and (3) the overall environmental quality of the community.

The Zoning Ordinance's list of duties for EPC members is more specific:

- Establish and monitor an environmental planning process for the City (Section 36.44.30.b.1). The EPC provides input on City policies related to compliance with the California Environmental Quality Act (CEQA), a State law requiring analysis and disclosure of environmental effects of government decisions.. In 1992, the City Council adopted local CEQA Guidelines<sup>1</sup> to explain the process of environmental review and establish criteria or thresholds of environmental concern. These thresholds are used to determine what level of environmental analysis and mitigation are appropriate to a specific project. While the document is outdated in some minor ways, it is a convenient and accessible primer on CEQA.
- Identify communitywide goals through citizen contact and initiate programs to implement and monitor such goals (Section 36.44.30.b.2). This is formally done as part of updating the General Plan but also occurs informally and almost continuously as the EPC receives input from the public on specific applications and legislation that are reviewed by the EPC. The EPC should be aware of the General Plan Goals and be sensitive to significant departures that are expressed by the public. If there appears to be significant, long-term separation between public comments and the General Plan, it signals the need to reevaluate the General Plan; however, at the same time, the General Plan is the broad community vision of the future and should be changed only after very careful consideration.
- 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 (Section 36.44.30.b.3). The EPC will review these documents when applicable, and this plays a key role in developing the character of Mountain View.
- Monitor the City's zoning standards and map to ensure consistency with the community's land use objectives (Section 36.44.30.b.4). Tours of completed projects in surrounding neighborhoods are scheduled from time to time to review the character of developments built under current zoning regulations.

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<sup>1</sup> Throughout this document, other documents and resources are referenced. Some are provided with the handbook. Others are better accessed through Internet links. At the end of the handbook, a list of those resources is provided with the links.



Individual EPC members should also visit major project sites on their own to see the results of the ordinances and guidelines worked on by the EPC. Visiting projects also helps the EPC members to see current trends in development, construction, land use, and gain experience with what works and what does not work in development and land use standards.

- Communicate with the Council, public agencies, and citizens regarding the environment and General Plan implementation of subregional and regional planning (Section 36.44.30.b.5), which involves both receiving and providing information and viewpoints. One tool the EPC has for providing input to Council is, when applicable, review General Plan implementation, including a summary of major accomplishments as well as a review of tasks to be completed. The EPC also annually reviews the projected work program from the upcoming fiscal year as part of the Community Development Department's budget preparation process, offers suggestions to the Council regarding needed work items and priorities, and the Council selects the planning initiatives for the upcoming year.
- Review and make recommendations on the CEQA determinations (Section 36.44.30.b.6). Nearly all of the actions reviewed by the EPC will involve an environmental review. CEQA documents provide useful data on potential environmental issues; however, they should not be the sole basis of the EPC members' decisions. Environmental review only includes a limited and specific set of issues and does not include other aspects of a project which may be important to the community.

### C. General Functions of Planning

The general perspective of planning is *long-term, comprehensive, and internally consistent*. The "long-term" perspective requires the EPC and City staff to analyze a new development or a proposed change to a project or plan and what that will mean, not only in the next few months and years, but also for the next 10 or 20 years. Planning is one endeavor that needs to imagine what the future may bring and also looks at how to change or encourage current trends to help bring about a community that is desired by both residents and businesses.

"Comprehensive" at the EPC level means the EPC should look at the City as a whole and not as one section versus another section. The EPC should look at all aspects of the community, including social aspects, economics, physical design, transportation, housing for people employed in the community, a solid employment base, open spaces, and spaces occupied by buildings, among others.

"Internally consistent" means all planning activities keep a sense of balance to avoid accomplishing one goal at the expense of another. City planning is often described

as a spider's web with each part connected to all other parts. Internal consistency means that when EPC members consider an action that pulls on one part of the web, they also consider how the rest of the web is pulled and ensure the full web stays whole and in balance.

When the EPC evaluates a specific proposal, some aspects of the total community may be given more weight than other aspects of the community; therefore, the EPC should examine a specific action in the context of what provides the best for the entire community and place individual proposals into context with other decisions made throughout the community over time. Balance and comprehensiveness should be considered a dynamic condition that will, and should, change over time and respond to changing conditions and community goals.

The EPC has the general duty to be representatives of the community and act as a translator or intermediary between technical staff and the general public during public discussions, making sure technical and nontechnical aspects of the decision are in balance. The EPC monitors City staff to ensure staff communicates with the public, avoiding jargon or becoming overly technical. When considering specific actions, the EPC should become familiar with the area of the City involved and how that part of the community views, and would be affected by, the action under consideration.

It is also important to note that all actions of the EPC (except for agenda setting and other housekeeping functions) are recommendations to the Council. The Council will hold a public hearing to consider the EPC's recommendations and, along with any further input, make the final decision on all items. The Council relies on the EPC to fully and carefully review the items that come before it, including a full evaluation of alternatives to the application or staff recommendation. This study of the issues and proposed actions by the EPC simplifies the Council's deliberations by collecting and clarifying the key issues regarding the full range of alternatives, as well as providing the Council with a reasoned recommendation on the preferred alternative. The Council may evaluate the relevant information and come to a different conclusion than the EPC, but the Council has always valued the EPC's independent evaluation of community character and development issues.

#### **D. The 2030 General Plan**

The [2030 General Plan](#) is one of the EPC's primary responsibilities.

The 2030 General Plan (or "General Plan"), adopted in 2012, was a major update to the City's 1992 General Plan. The General Plan is a road map to the future that incorporates the community's values and ideals. It provides a comprehensive strategy, goals, and policies to help guide future change and development. The General Plan includes new goals and policies in the following chapters: Land Use

and Design; Mobility; Infrastructure and Conservation; Parks, Open Space, and Community Facilities; Noise; and Public Safety. A goal is a broad statement describing the City's future direction. Policies provide more specificity for achieving each goal.

The EPC should become familiar with the General Plan, given its importance in land use and policy issues. Staff will review projects (development projects, Zoning Text Amendments, and other policy studies) for consistency with the General Plan's goals and policies and will provide an analysis of how a proposal conforms, or does not conform, to the General Plan. EPC members play a key role in reviewing staff's technical analysis and balancing this information with their knowledge and understanding of particular issues based on their experience as community members.

The General Plan also identifies specific actions needed to achieve the General Plan's goals and policies. These actions are included in the companion document, the General Plan Action Plan. The EPC will annually review the General Plan Action Plan to ensure its effectiveness in meeting the General Plan's goals and policies.

There are two types of General Plan Amendments: (1) Text Amendments; and (2) Map Amendments. Text Amendments are changes to the General Plan Goals, Policies, and/or Land Use Designations or changes to the related background discussion. These amendments usually involve fundamental changes to the General Plan since they almost always consist of changes to the Goals and Policies (which are the statements of long-range community growth, development, and character). The other form of General Plan amendment is a change to the Land Use Map, which is more common than the Text Amendments. This type of amendment usually involves a few parcels shifting from one type of future land use to another and usually does not involve a fundamental shift in community development policy or patterns of development.

#### **E. The Zoning Ordinance – Chapter 36**

The [Zoning Ordinance](#) is the second major concern of the EPC. The Zoning Ordinance is the primary implementation tool of the community's development goals. It consists of regulations that cover:

1. Types of allowed uses in various areas of the City;
2. Intensity of development, including density (often expressed as dwelling units per acre) and floor area ratio (for mixed-use, commercial, and industrial land uses, referred to as FAR);

3. Building location regulations, including setbacks from streets, spacing of buildings from property lines (called yards), and building heights;
4. Site development regulations, including maximum percentages of land that can be covered by building or parking and minimum percentages of open space required;
5. Parking space requirements for various uses;
6. Standards and operational requirements for specific land uses; and
7. Regulations covering the process for reviewing development projects.

The Zoning Ordinance needs to be compatible with the General Plan, although some differences will occur since the General Plan is long-range and general while the Zoning Ordinance is immediate and specific. The Zoning Ordinance is one of the primary implementation tools of the General Plan land use and development Goals and Policies.

There are two types of Zoning Ordinance Amendments: (1) Text Amendments; and (2) Map Amendments. Zoning Ordinance Text Amendments are changes to the development standards or land use standards contained in the ordinance. These changes can be a minor fine-tuning of the ordinance standards or a major change to the way development will occur in the community. Zoning Ordinance Text Amendments often have far-reaching consequences that need to be carefully reviewed against the goals and objectives of the community, especially as expressed in the General Plan. It is useful for the EPC to visit construction projects that result from prior zoning rules in Mountain View and projects in other cities to visualize the results of Mountain View's zoning rules in comparison to past zoning rules and other zoning rules.

Zoning Map Amendments (also called rezonings) involve a zoning change to allow different development from the existing zoning. Any zone change should be reviewed in the context of the land use pattern of the General Plan, and care needs to be taken to ensure that a rezoning does not serve as the first step in a trend that will, over time, result in a fundamental change to the character of the area. There are two fundamental tests for any rezoning: (1) whether the property to be rezoned is significantly different from the other properties that will not be changed; and (2) whether the property is better suited (from the community's viewpoint) for the new zone than it is suited for the existing zone. If the project meets both of these tests (in addition to findings identified in the Zoning Ordinance), it may be recommended for rezoning to the Council.

## F. **Precise Plans**

[Precise Plans](#) are one of Mountain View's most powerful tools for managing development. Precise Plans are developed for properties, uses, proposed developments, or whole neighborhoods that have special characteristics that do not fit our standard Zoning Ordinance Districts. Precise Plans combine zoning-type standards (setback requirements of building separation from property lines, percentage of building coverage, building height, etc.) with design guidelines, incentives for particular types of development, and other special zoning tools needed to fit the particular circumstances. Precise Plans are always developed in conjunction with the P (Planned Community) Zoning District. Much of the City's innovative development housing, premier businesses, and residential developments are in Precise Plan areas.

Major Precise Plans include Downtown, North Bayshore, East Whisman, San Antonio, El Camino Real, Evelyn Avenue Corridor, and Evandale. Other Precise Plans tend to be smaller and more built-out and will have less development activity unless amended by the City.

Precise Plans provide flexibility in specific development standards, extensive design and development guidelines, and more extensive development review than a regular zoning district. The EPC has a key role in: (1) developing Precise Plans; (2) identifying the critical City requirements that become development standards; and (3) expressing the key community design objectives within the Precise Plan area. In addition, in some Precise Plans (including San Antonio, El Camino Real, and East Whisman), the EPC will make recommendations on Bonus FAR developments proposed in compliance with the plan.

The EPC may also identify extra items, called "community benefits," that the City wants provided within the development but cannot require as part of the mandatory plan requirements. The City encourages these items be obtained by building incentives (such as additional floor area) into a plan if the developer provides the added feature. The combination of design guidelines and community benefit incentives provides powerful negotiating tools for the City to obtain a much higher quality of development than would normally be achieved through standard zoning.

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## CHAPTER II

### Meeting Preparation Process

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#### A. EPC Meetings

EPC Regular Meetings are held on the first and third Wednesdays of each month beginning at 7:00 p.m. and ending between 9:00 p.m. and 10:00 p.m. There is no fixed end time for the meetings with the intent to move through the item(s) on the agenda as expeditiously as possible. The meetings are generally held in the Council Chambers or Plaza Conference Room and are televised on Mountain View's cable TV Channel 26 and by live streaming video and audio on the Internet.

There are generally two types of EPC meetings: (1) Public Hearings; and (2) Study Sessions. In addition, workshops, community meetings, tours, joint sessions with other commissions or committees, and other special activities may be held at City Hall or at neighborhood locations. Public Hearings are held in the Council Chambers with fairly formal procedures. Study Sessions have many forms, including very informal, around-the-table discussions and presentations and discussion of background information of general interest.

In addition to the Regular Meetings, the EPC may schedule Special Meetings which may also be formal Public Hearings or Study Sessions. Special Meetings may be scheduled for other days of the week or different times of the day, as needed, to accommodate the Special Meeting. The EPC meetings, including Study Sessions or retreat meetings, are almost always held within the boundaries of Mountain View with the only exceptions being when special facilities are needed or meeting with outside groups (like another city's Planning Commission).

#### B. How Items Are Placed on the Agenda

Items brought to the EPC are initiated by either the Council, EPC, staff, or by an application from the public. Items initiated by staff are usually programmed as part of the City's annual budget, although occasionally an unscheduled item may need to be raised by staff. The Council may direct the EPC to consider an item or the EPC may at one meeting direct that an item be placed on the agenda for consideration at a later meeting.

Applications from the public may include proposals to amend the text of the General Plan, Precise Plan, Zoning Ordinance, or amend the General Plan Land Use Map or the Zoning Map, or may be requests for Bonus FAR within certain Precise Plans. Staff will periodically inform the EPC of tentative upcoming agenda items to help inform the EPC and the public of upcoming topics.

Any EPC member may request that an item be placed on a future agenda by approval of a motion during the “Commission Announcements” section of the agenda or after a member of the public has raised an issue during the “Public Comment” section of the agenda. These items must be approved for a future agenda by a majority vote and the required public hearing notices must be prepared. Such agenda items need to be reviewed for consistency within the EPC’s areas of responsibility as defined in the Zoning Ordinance and City Charter. Staff will advise the EPC about the estimated date when an item can be scheduled, given the other scheduled agenda items and the estimated workload to prepare the staff analysis. Most items initiated by the EPC that require extensive research or other resources would, by Council policy, require referral to the Council for authorization of budget for staff resources.

The Council approves the EPC’s annual [Work Plan](#), which includes the major actions and studies the EPC is to work on. Modifications to the Work Plan must be approved by Council.

### **C. Staff Preparation, Staff Reports, Draft Ordinances, and Plans**

For each agenda item, staff will prepare an analysis of the item, including an evaluation of applicable General Plan and other City policies, ordinances which may be applicable, trends in development or community demographics, legal issues, and environmental issues (see CEQA discussion below), including staff’s recommendation on the item.

This analysis and recommendation will be in a written staff report provided to the EPC on the Friday before the EPC meeting. The EPC members should independently evaluate staff’s analysis and recommendations. Staff makes a strong effort to be impartial, to present alternatives to the proposed action, and to give the EPC the base level information so EPC members can draw their own conclusions. Staff also provides a recommendation based on its analysis of technical issues and existing policy. Staff’s duty is to provide good technical planning while the EPC has the important responsibility of making sure staff’s technical planning is consistent with community values. EPC members also add vital nontechnical input (and possibly technical information) from their individual knowledge of the community or subject.

EPC members are encouraged to contact staff prior to the meeting for clarification of any information in the staff report. If questions are received by 8:00 a.m. the day before the meeting (usually Tuesday), staff will provide written responses the afternoon of the meeting (given reasonable constraints of research and analysis). EPC members are also encouraged to send questions even after this deadline so staff can be better prepared at the meeting. These clarifications can help expedite the EPC meeting either by taking care of minor items before the meeting or by making



sure staff has the information or clarification at the time of the meeting so the item does not need to be continued.

Staff also prepares draft ordinances, plan language, maps, and other documents to implement the recommended action. The EPC should carefully review the recommended language to ensure that the text is easily understood by the public and accurately reflects the meaning and the thinking of the EPC. Often, the EPC will develop specific rewording at the meeting (or an EPC member will have suggested wording prepared before the meeting). It also works well for the EPC to reach consensus on the general framework of the wording change at the meeting and leave the final “wordsmithing” in staff’s hands. The conclusion of the EPC’s consideration will be a specific recommendation to the Council for adoption or rejection of the proposed rezoning, ordinance change, Precise Plan, or General Plan.

#### **D. California Environmental Quality Act (CEQA)**

The California Environmental Quality Act (CEQA) is a State law that requires the environmental impacts of any public action be analyzed, including impacts to biology, air quality, aesthetics, cultural resources, transportation, and other topical areas. Public actions include approval of a construction project, adoption of an ordinance or plan, or any other action that has the potential for affecting the environment directly, or by allowing activities that could affect the environment. CEQA uses the term “project” to refer to any of these actions. One of the main functions of the environmental analysis is to provide information to be considered by decision-makers. CEQA also requires ways of mitigating, or reducing, any negative impacts being proposed. The City must make its best effort to reduce the impacts to a less-than-significant level or identify overriding considerations for impact-causing decisions.

A project may be “Categorically Exempt” from CEQA. Categorically Exempt projects have been determined by the State Office of Planning and Research and State Natural Resources Agency to generally not have an environmental impact. Examples include construction of one single-family house or passage of an ordinance designed to protect the environment.

Projects that are not Categorically Exempt must be analyzed by one of several types of environmental documents:

1. An Initial Study and Negative Declaration (ND) are prepared if no significant environmental impacts are identified.
2. An Initial Study and Mitigated Negative Declaration (MND) are prepared if all significant impacts can be mitigated through minor modifications to the

project, such as requirements for noise-reducing activities during construction or requirements for transit passes for employees.

3. An Environmental Impact Report (EIR) is prepared if there are significant impacts that cannot be mitigated. The EIR must be used to evaluate whether the overall benefits of the project override the negative environmental impacts of the project. The project that creates the impact may also be denied. If the intent is to approve the project, a special determination (called a Findings of Overriding Consideration) must be adopted. A Findings of Overriding Consideration states that the other benefits of the project outweigh the adverse environmental impacts. For example, an emergency helicopter landing pad at a hospital may result in noise impacts that cannot be mitigated, but the life-saving benefits of quick emergency transportation may outweigh the negative environmental impact. A project that creates significant environmental impacts may be approved, but only if the Overriding Consideration finds that the other benefits of the project exceed the environmental impact.
4. A Compliance Checklist (or Initial Study of Environmental Significance) is prepared for projects considered within the scope of a previous EIR (such as a large project within a previously adopted Precise Plan). The Compliance Checklist analysis is limited to how the specific project modifies the findings of the EIR.

The EPC must consider the environmental document before making any recommendation to the Council. In addition to the recommendation on the project itself, the EPC will also make a recommendation on whether the environmental document should be approved (“certified”) by the Council.

#### **E. Meeting Minutes**

Following each EPC meeting, staff will prepare a set of minutes for the meeting. The minutes are agendized at a subsequent meeting for review, correction (if necessary), and approval by the EPC. Once the minutes are approved by the EPC, they become the official record of the meeting and may be found archived online.

#### **F. Council Report with EPC Recommendations**

Following the EPC’s recommendation on a proposed action, the recommendation will be agendized for Council consideration. In general, the Council will consider the EPC’s recommendation about three to six weeks after the EPC’s recommendation (for rezonings and General Plan Amendments, the Zoning Ordinance requires the City Council to hear an item no later than 90 days after the EPC’s final consideration). All actions of the EPC are recommendations to the

Council, which will make the final determination on the project (except for internal EPC matters).

Community Development staff prepares the Council report, which is generally identical to the EPC report, plus a few pages summarizing EPC deliberations. The basic Council report summarizes the item under consideration, discusses the issues that came up during the EPC's consideration, and presents the EPC's recommendation, along with the final draft of the plan, ordinance, guideline, etc., as recommended by the EPC. Alternatives to the recommendation, which usually have been considered by the EPC in the course of their public hearings, are also included.

It is noted that the Community Development Department (CDD) staff serves as direct staff to both the EPC and Council. During preparation of the Council report on items that have gone through the EPC, staff has the dual responsibility of accurately conveying the EPC's recommendation and reasoning behind the recommendation while also serving as the Council's staff on planning matters. Very rarely, the Council report may contain additional information or issues that were not part of the EPC's consideration. This may occur in response to a question or issue raised by a Councilmember or to a new issue that developed between the time the EPC considered and the Council considered the item. The Zoning Ordinance (for example, Section 36.52.65) states that if the Council proposes to adopt an action which is substantially different from one the EPC considered or recommended, the Council may refer the item back to the EPC for reconsideration. Almost always, the EPC considers a range of alternatives that encompass the alternatives the Council considers, so the Council has already received the EPC's input on the item, even if it is not the alternative recommended by the EPC.

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## CHAPTER III

### EPC Member Skills and Responsibilities

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#### A. Skills and Practices of an Effective EPC Member

The primary skills of an effective EPC member are: being able to listen objectively to all input; exercising independent judgment on an issue; and working cooperatively with the other EPC members in developing a recommendation. An EPC member's role is to represent those that are present at the meeting, the community-at-large, residents, and businesses of today and of the future. An EPC member must be able to organize his or her thoughts and then present those thoughts to the public and EPC in a way that contributes to developing a recommendation on the subject under discussion. Since EPC members generally represent different backgrounds and experiences, each EPC member must cooperate with others to form a majority in order to make any decisions. Skills in developing effective compromises, identifying common goals, and separating the main objectives from minor issues are all part of the art of effective decision-making. Compromise should not be viewed as a defeat or lessening of standards but the result of a team of people working together to find solutions that work for the greatest number of people.

It usually assists the decision-making process if EPC members state their reasons for supporting or opposing the item under consideration. This allows other EPC members to evaluate not only areas of agreement but also specific areas that need to be changed in order to achieve an EPC recommendation. It is valuable for EPC members to offer new alternatives if they cannot support the options before the EPC and helpful to the process to let staff know of questions or alternatives prior to the EPC meeting. This gives staff the opportunity to gather information so EPC member questions can be answered in a timely fashion and provides technical evaluation of an alternative, determines CEQA compliance, and helps ensure that all information is available to the EPC before they take action.

There are two recommended books that are useful guides for the skills and practices of an effective EPC member: *The Job of the Planning Commissioner* by Albert Solnit and *Commissioner's Little Handbook* by Len Wood. Both books provide helpful suggestions about the types of issues the EPC will discuss and offer useful hints and tricks that helps the process along. Useful skills (called "norms" by Mr. Wood, Pages 89-90) that are basic to the EPC member's work include:

- Do the homework, read the staff reports, visit the site, and keep in touch with the community and the Council.

- Involve the residents and businesses in developing the solution. This includes actively listening to what is said in public hearings but also informing the public of issues that they might not be considering.
- Explain your position on an issue in concise terms. It helps the group reach a decision if EPC members explain why they support or oppose an action rather than just stating that they are in favor or opposed. If the reasons behind your position are stated, it makes it easier to find some middle ground that the majority can agree to or use to correct a misunderstanding. Being concise helps everyone keep track of the discussion and allows everyone to participate. (It is not necessary to speak on every item; if all the points have already been made, the EPC can move on to the decision.)
- Focus on the overall objective. Details can be important, but they can also be referred to a subcommittee or staff once there is clear agreement on the big issues. Remember, the whole purpose of the meeting is to arrive at conclusions.
- Accent the positive. Reach for consensus, but recognize that there may be legitimate differences of opinion, and that is okay.
- Focus on content. Avoid being swept away by personalities (good or bad) or by issues that are incidental to the primary issue on the agenda.

## **B. Role of the Chairperson**

The Chairperson is an EPC member elected by the rest of the EPC to manage the meetings of the EPC. Elections are held annually for Chair and Vice Chair, usually at the first available meeting of the new calendar year. The Chairperson has both a formal and informal role.

In the formal role, the Chairperson is responsible for:

- Calling the meeting to order;
- Opening public hearings and managing the public comment process (the public input process should allow all interested individuals an opportunity to speak, yet keep the process moving by not allowing “filibustering” or repetitive comments that do not add new information to the discussion); and
- Managing the EPC’s orderly discussion and voting process.

Informally, the Chairperson:

- Is usually the person that builds the team;
- Stands back a bit to observe the whole process to make sure everyone has an opportunity to participate;
- Identifies areas of common agreement and suggests compromises that can lead to decisions; and
- Helps resolve misunderstandings or personal differences between EPC members.

The Chairperson may represent the EPC when talking to staff, Council, or other City commissions and committees.

The Chairperson usually is less active in the direct debate but becomes more active in expediting the process and searching out solutions agreeable to the group. The Chairperson traditionally speaks last (and may not speak at all if the points have already been made by others). Except in rare cases, the Chairperson does not make or second a motion. It is important for the Chairperson to remain impartial to make sure that all opinions are recognized and avoid distorting the process by recognizing only the speakers favoring one side. It is also important the Chairperson recognize when the debate is finished, when all points of view have been expressed, and it is time to reach a decision. The Chairperson may do this by requesting that a motion be made (e.g., “The Chair will entertain a motion to approve the rezoning”) if that helps move the process along. Another technique used to bring an item to conclusion is to summarize the major points, ask other EPC members if there are any new points to be made, or, if the EPC is ready, take a vote. Generally, the only time a Chairperson would make or second a motion is when the EPC is evenly split on an issue, all the points people had to make have been presented and discussed, and none of the other techniques to move the discussion to a vote have worked.

### C. **Parliamentary Procedures**

The EPC generally follows “Robert’s Rules of Order” (in an abbreviated form) since this is a well-recognized and fairly efficient way of conducting meetings. Staff can assist the EPC on questions of procedure during the meeting or in advance. A basic outline of the City’s accepted parliamentary procedures is included in the [Council Advisory Bodies Handbook](#).

The basic criterion for use of formal rules of procedure is whether the rules help the process move to a decision. Most of the time, the process works better if the EPC uses formal rules of procedure; however, there are occasions where those rules

interfere with the EPC's business. In this case, an EPC member or staff may suggest to the Chairperson the formal rules be suspended or modified. One technique that has been used in the past is to declare an "open mic" discussion. An open mic discussion is something like a dinner table conversation where people speak when they have something to say, generally one at a time, and do not wait to be recognized by the Chairperson before speaking. This process is most helpful during the initial brainstorming and issue-identification portion of a discussion when it is beneficial to get lots of ideas out on the table quickly. The EPC members should speak one at a time because meetings are both televised and on the web by streaming video; therefore, multiple speakers make it difficult for the public to understand the discussion, and it also helps the person taking minutes.

#### D. **Conflict of Interest**

The EPC is a public agency covered by the rules of the [Brown Act](#). The Brown Act is a California law that covers the circumstances of possible conflict of interest and the open public meeting process. Recommended reading would be *Open and Public V, a User's Guide to the Ralph M. Brown Act* written by the League of California Cities. The essence of the law is that decisions of a public agency should be made based on the information that is available in a meeting process that is open to public participation and review.

According to the Brown Act, EPC members must avoid making decisions on items where they have a direct financial interest or the item could impact them personally. Staff will do their best to advise EPC members when it appears there is the potential for conflict of interest based on staff's knowledge of the item and knowledge of the EPC member's business or residence location and type; however, EPC members themselves have the obligation to report any potential conflict and recuse themselves from an item. Examples of such items are property located within 500' or 1,000' of property owned by an EPC member (whether business or residence) or an item that directly affects the financial livelihood of an EPC member, which are automatic conflicts requiring the EPC member recuse themselves. Other possible conflicts which should be discussed with staff prior to the meeting are any item affecting the EPC member's type of business or industry, affecting the property or assets of someone the EPC member knows, or affecting the EPC member's neighborhood differently than other neighborhoods in the City. Staff can discuss the conflict of interest issue with an EPC member but cannot provide definitive legal advice on the issue. Generally, it is advised that EPC members be cautious regarding possible conflicts and step down from the discussion if there is any concern.

Another key feature is to avoid the potential (or appearance) of acting on special information not available to the general public (meeting privately with developers or the proponents of an action being considered by the EPC). A presentation by the



proponent of a project should be made at a public hearing or other public meetings, such as neighborhood meetings and Study Sessions, where the general public receives the same information as the EPC members at the same time. EPC members should visit the property that is the subject of the proposed action (anyone can visit the property); however, they should avoid a conducted tour of the property that is not available to the public. If there is direct contact with a proponent or opponent of an item, the EPC member must note this during the public hearing and summarize key points of the private discussion.

Finally, the principles of the Brown Act affect the types of meeting that can be held between EPC members. When a group of EPC members get together to discuss and make a decision on an item with a specific site address or Assessor's Parcel Number (APN), the public must be noticed. The public should be notified with a courtesy notice regarding Study Sessions, tours, and neighborhood meetings that do not involve a specific site address. The potential for conflicts with the Brown Act arise during informal meetings, e-mails, or even phone conversations among EPC members. The Brown Act allows social gatherings where EPC members are present; however, EPC business that results in decisions is not discussed. Phone conversations and e-mails are allowed if they do not result in a so called "serial meeting" where information or decisions are passed from one EPC member to another in a series of contacts. This is not intended to prohibit all contacts between EPC members, and, in fact, new EPC members are encouraged to make contact and ask questions of other EPC members. It is important to emphasize decisions are made in the public meeting process only and must not even appear to be made in private.

More information regarding the Brown Act and conflicts of interest can be found in the [Council Advisory Bodies Handbook](#).

## E. **Training**

Depending on the fiscal budget, there may be opportunities for EPC training. One opportunity is the League of California Cities Planning Commissioner's Institute, which is a three- to four-day conference, specifically targeted for EPC members, generally held in February/March, and alternates between Southern California and Northern California.

The second opportunity is an annual retreat for EPC members and staff. This is usually a one-half to full-day session held locally to discuss a specific local planning topic, aspects of the EPC process, or general working relationships. Often, the City will bring in an outside facilitator for the meeting so both EPC members and staff can participate in the session. There has been no fixed time for this retreat; however, it is usually scheduled in the spring or fall depending on schedules. Staff works

with the EPC (generally an ad hoc subcommittee) to develop the agenda and other particulars of the retreat.

In addition to these three formal training sessions, other training activities may occur as the fiscal budget permits and are generally related to an active EPC item. Examples of these informal activities include Study Sessions on specific applications, group tours of developments, and dinner meetings before a Regular Meeting to discuss a specific issue. These informal training sessions depend on EPC interest, need to discuss a topic, and availability of time and resources to conduct the training. There is a limited budget for seminars offered by local colleges or professional organizations that must be approved by the City ahead of time for reimbursement. Staff is also available to discuss a specific project or issue that may need to be reviewed prior to an EPC hearing.

Finally, the Planning Division keeps a library of books on planning and design subjects that may be checked out through the Planning Division Secretary.

## CHAPTER IV City Organization

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### A. City Organization

Department organizational charts and an organization chart showing the relationship of the Council to the various committees and commissions that advise the Council and the City Manager (who is appointed by the Council) and various City departments can be found in the [Council Advisory Bodies Handbook](#).

The City Clerk and the City Attorney are also appointed directly by the Council. All other staff are selected through a civil service process by the City Manager or individual departments.

### B. EPC Relationship to the Council

The EPC is one of several commissions and committees that provide advice and recommendations to the Council. The EPC has responsibility for advice and recommendations related to land use, including development project review, the General Plan, the Zoning Ordinance, community design, and general environmental issues. The EPC develops the standards for project review through the policies and goals of the General Plan, requirements of the Zoning Ordinance, and the development of design guidelines. After adoption by the Council, these documents and standards provide direction to the Zoning Administrator (ZA), who approves or denies specific projects, though the City Council also has authority to approve or deny particular projects (especially large or publicly important ones). See Chapter V for discussion of the DRC and ZA roles.

The actions of the EPC are in the form of recommendations to the Council, which is the final deciding authority. The Council relies on the EPC to fully explore the issues and ramifications of proposed actions, seek out community input, and represent the broad community in developing recommendations on proposed actions. The Council may adopt an action that is different from the EPC's recommendation due to the Council's broader responsibilities (for example, keeping the City's budget balanced), because an issue has evolved, or simply because the Council has a different approach to the issue. The Council has emphasized several times that they seek and expect an independent recommendation from the EPC based on the EPC's best understanding of the community's land use, environmental, and development goals.

### C. Relationship with Other Commissions and Committees

Other key Council-appointed groups with overlapping topics of interest include the Parks and Recreation Commission (PRC), the Bicycle/Pedestrian Advisory Committee (B/PAC), the Downtown Committee, and the Human Relations Commission (HRC). More information about Council-appointed boards and committees can be found in the [Council Advisory Bodies Handbook](#).

The PRC is responsible for making recommendations to the Council regarding the City's parks, including acquisition of new parks or refurbishing existing parks, and regarding recreation programs offered by the City. The PRC, acting as the Urban Forestry Board, is also the appeals board for decisions made under the City's Heritage Tree Ordinance.

The PRC provides direction on the City's [Open Space Plan](#), which is updated approximately every five to 10 years and remains generally consistent with the provisions of the General Plan; however, the parks and open space text in the General Plan is less specific and more long-range. The General Plan discusses open space as an important type of land use, while the Parks and Open Space Plan discusses the various specific uses and locations of that open space.

The HRC was established in 1994 to address the various economic, political, education, and social issues facing the community. The guiding principles which direct this commission's review are tolerance, involvement (issues related to barriers which may preclude residents from participating in their local government), and inclusivity (issues concerning outreach to diverse segments of the population and soliciting input from the community). Specific responsibilities of the HRC include acting as an advisory body to the Council, serving as a forum for public discussion, and acting as a liaison/facilitator between City government and the public on issues as they relate to tolerance, inclusivity, and involvement.

The Downtown Committee advises the City on any changes to the Downtown Precise Plan. The Downtown Committee is appointed by the Council and represents a wide variety of downtown businesses and general community interests.

The Bicycle/Pedestrian Advisory Committee (B/PAC) advises the Council on the creation and maintenance of pedestrian and bicycle pathways in the community. The B/PAC may advise the City in conjunction with revisions to the General Plan Circulation Chapter or pedestrian/bicycle circulation in new Precise Plans. Changes to either the Bicycle Route Map or the policies and actions related to walking and bicycling should be referred to the B/PAC for review and comment as part of the EPC's General Plan review process.

## CHAPTER V

### Community Development Department

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#### A. Overview and Divisions

The Community Development Department (CDD) has four operational divisions consisting of Planning, Economic Development, Neighborhood Preservation, and Building.

The two major missions of the CDD are: (1) ensuring high-quality development; and (2) preserving Mountain View's quality of life. The CDD facilitates development that serves the community's housing and economic needs, works to preserve Mountain View's quality of life through resolving neighborhood issues, monitors environmental conditions, and helps maintain the quality of existing development. The following four divisions in CDD work with the other City departments to accomplish these missions.

- Planning Division

The Planning Division is headed by the Planning Manager/Zoning Administrator (ZA), who oversees the management of the Current Planning Section, and the Advanced Planning Manager, who oversees management of the Advanced Planning Section.

In Advanced Planning, the focus is on long-term planning projects, creating standards for development, and neighborhood and environmental issues. The Principal Planner manages advance planning projects and is designated by the Community Development Director as Secretary to the EPC. The EPC reviews these projects and makes recommendations to the Council. The Principal Planner may be contacted for information on agenda items, the meeting process, general EPC business, or for referrals to other City staff on issues that may fall outside of Planning's expertise. Advanced Planning projects include maintaining the General Plan, Precise Plans, rezonings, Zoning Ordinance Amendments, neighborhood land use studies, design guidelines, and similar broad land use and community development policy documents. Developing these policies often involves other divisions and departments, and, for larger projects, outside consultants that provide specific types of expertise or a timely response, especially when an EIR is required.

In Current Planning, the focus involves specific applications for development, changes to the exterior of buildings, and new building projects. The Current Planning Section is overseen by the ZA, who either approves or denies a development project, or makes a recommendation to Council, which is the final

approving authority. The Council also hears appeals of the ZA's decisions. The ZA oversees Current Planning staff Planners and the DRC. The DRC is chaired by the Deputy Zoning Administrator and two consulting architects. The DRC reviews complex or difficult projects or challenges where professional architect input is needed, including new property development, as determined by the ZA. The DRC uses the policies that guide the design review process contained in the Zoning Ordinance, Precise Plans, and in policy documents like the General Plan, neighborhood design plans, and special type-of-use design guidelines. The DRC does not mandate a specific architectural style, but rather reviews the proposed project design to ensure it fits with adjacent developments and properties. The DRC reviews the site, architectural and landscape design of development projects, provides applicants with design comments, and makes a recommendation to the ZA.

The EPC is the primary agency for developing and recommending the policies that guide the design review process for approval by the Council. To phrase it another way, the EPC defines the development policies for the City and the ZA and DRC implement those policies. This arrangement has served the City well by ensuring the EPC gives careful thought to the overall scope of the City and to long-range, communitywide impacts of design and development standards. Planning staff provides quick, professional review with the assurance that their project-level decisions will be based on well-thought-out and equitable design standards and policies.

- Economic Development Division

The Economic Development Division is headed by the Economic Development Manager with general responsibility for seeking economic development (revenue-generating) opportunities throughout the City as well as specific responsibility for working with the downtown businesses and recruiting new businesses to that area. This division also serves as an ombudsman (go-between) when a business needs assistance in complying with or understanding City requirements. The division is primarily responsible for involvement in regional and State economic development discussions; keeping the community competitive within the region by maintaining its fair share of private investment, commercial services, and jobs; and ensuring that Mountain View finds and acts on economic growth opportunities. This division also serves as primary staff to the Downtown Committee.

- Neighborhood and Housing Division

The Neighborhood and Housing Division is headed by the Administrative and Neighborhood Services Manager and is the residential counterpart to the Economic Development Division. This division has responsibility for

tenant/landlord and neighborhood mediation, housing programs involving Federal funding (Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME)), working with neighborhood groups, homeowners associations, and other housing liaison groups. The division also administers the Below-Market-Rate (BMR) Housing Program and the City's Housing Trust Fund, which are used to fund a variety of housing assistance and affordable housing projects. This division is also responsible for administering the Community Stabilization and Fair Rent Act (CSFRA).

This division also serves as primary staff to the Council Neighborhoods Committee, Rental Housing Committee, and the Mountain View Mediators, which helps resolve issues between tenants and property owners.

- Building Inspection Division

The Building Inspection Division is responsible for reviewing construction projects for compliance with the Uniform Building, Mechanical, Plumbing, Electrical, and Fire Codes. These codes help ensure that buildings and their interiors are built in ways that are structurally safe, mechanically sound, and meet fire and life-safety standards. The Building Inspection Division has a Fire Protection Engineer who reviews construction plans for compliance with fire safety regulations. The Building Inspection Division manages the review of building plans by all other departments and divisions in the City that have to approve construction plans before construction actually begins. The combination of the Building Inspection Division (and Fire Protection Engineer), along with the Planning Division, ensures coordinated development services to the public. The Building Inspection Division is responsible for inspecting the actual construction in the field for compliance with various building codes and ensures construction is according to approved architectural design and site improvement plans.

## **B. Department Goals and Objectives**

A budget is prepared by each department for the City Manager and the Council. The CDD Goals and Objectives are published annually as part of the Narrative City Budget prepared for the City Manager and Council. A summary of the draft budget with annual goals and objectives is discussed with the EPC early in the budget preparation process (late winter/early spring). This allows the EPC an advance look at the work tasks coming up in the next 18 months, and the EPC's input is helpful to staff as a reflection of community concerns and priorities.

Usually there are more planning studies and projects identified than resources to conduct the work; therefore, a candidate list of future projects will be provided, and which proposals are included depends on City and department resources.

## C. Development Review Process

Mountain View requires development review for the following actions, except when applied to single-family homes and duplexes, where permitted (though these are still reviewed for compliance with Zoning standards through the Building Permit process):

- All new buildings or additions to buildings;
- Physical changes to the exterior of buildings (new windows, new doors, changing the material on the exterior, but not repainting);
- Changes to site plans (including parking lot changes, changes to fencing, outside equipment areas, major relandscaping, etc.);
- Changes in the use of a property or building in a nonresidential zoning district; and
- New signs and changes to signs.

The development review process begins with the property owner, architect, or developer contacting Planning staff for information about ordinance and design requirements for a project. The Planning staff advises the applicant about the applicable regulations, design guidelines, and helps the applicant prepare submittal requirements, such as proper drawings, for the proposed project. For simple projects (changes in exterior materials, sign changes, minor additions, etc.) which comply with regulations and guidelines (and where no environmental study is required), approval can be granted administratively without a public hearing.

Larger projects are scheduled for one or more DRC meeting(s) to review the architecture and site plan.

Final actions could be conducted through any of the following meetings:

- ZA only (with or without DRC recommendation). Special “conditional” uses (a.k.a. “provisional” in Precise Plan areas), new buildings and large additions in most Zoning Districts, variances, and small Planned Unit Developments (which is a special type of residential development in multiple-family zoning districts that allows development of townhouses or small-lot, single-family homes instead of an apartment or condominium project).



- ZA Recommendation → City Council. New buildings in certain Precise Plans (such as downtown), large Planned Unit Developments, and large subdivisions.
- EPC Recommendation → City Council. Bonus FAR projects in certain Precise Plans.

For very large projects, projects in an area of special sensitivity, or projects where the initial proposal does not appear to comply with the City's design standards, staff will generally recommend the applicant first go through an informal design review process with staff or the DRC so the City can gain a better understanding of the project and the applicant can better appreciate the City's adopted design objectives. This informal review process works with developers and architects on very preliminary and conceptual designs and allows the City and developer/architect to work cooperatively on the evolving project design.

When an applicant submits a project for development review, copies of the plans are distributed to other City departments that may have development concerns or are responsible for public facilities that may be impacted by the project. These departments include the Public Works Department (streets, traffic, subdivisions, utility connections and capacities, public facility maintenance or supply issues), Fire Department (environmental safety, fire safety, and hazardous materials), Community Services Department (parks and Heritage trees), and Police. Comments returned from other departments and divisions are combined by staff into a single set of comments that are given to the applicant. The development review process provides a one-stop contact providing the applicant with all City concerns or conditions related to a proposed project. The applicant can use this information as a checklist to ensure their revised set of plans cover all points of City concern. When applicants follow the checklist and return the checklist to the City with notes about where in the plans the correction is made, the process of recheck and approval of the construction permit is made much simpler and faster for the applicant and the City.

The assigned Planner helps the applicant understand and find solutions to conditions from other departments and, at the end of the development review process, most projects are approved with a list of conditions that need to be complied with as the development is built. These conditions may include details such as preparing and submitting driveway and sidewalk drawings to the Public Works Department, conditions from the Fire Code about construction details, or requiring a subdivision application if the project involves multiple properties. The purpose of conditions is twofold: (1) to provide approval of the basic concept of a development before the developer has to pay for the detailed construction drawings; and (2) to provide the developer with a detailed list of exactly what is required to take the project from the concept phase to the construction phase. This

list helps the applicant check off the conditions one by one as they develop the construction drawings, helps navigate quickly through the process, and ensures all City concerns have been addressed.

All decisions of the ZA may be appealed to the Council within a 10-day appeal period. Appeals may be filed by the applicant, Council, EPC, businesses, residents, or property owners that feel that they may be harmed by the project as approved. There are usually only two or three appeals filed out of approximately 400 to 500 decisions made annually. This low appeal rate is testimony to the quality of the design review process that is firmly grounded on EPC- and Council-adopted design standards and guidelines. This direct linkage to adopted standards and guidelines show the applicant and other interested parties the decisions of staff accurately reflect the development policies of the community.

## CHAPTER VI Other Departments

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The CDD and the EPC interact with all City departments if applicable and when necessary; however, they have the most interaction with the Public Works Department, Community Services Department (Parks Division), Police Department, Fire Department, and City Attorney's Office. More information about each department is available in the [Council Advisory Bodies Handbook](#).

### A. **Public Works Department**

The Public Works Department consists of three divisions, including Transportation and Business Services (which includes transportation planning, property management, solid waste, facilities maintenance, and fleet services), Engineering (which includes construction engineering for City projects, capital project management, traffic engineering, and land development engineering), and Public Services (which manages the maintenance of public streets, management of the water and wastewater systems, and other associated roles).

Most EPC contact with the Public Works Department involves: (1) Traffic Engineering, which analyzes the traffic impacts of specific development projects, changes in future land use patterns, and changes to streets and intersection controls; (2) Transportation Planning, which primarily works with County and State agencies on nonautomobile transportation issues, including the County transit system, rail transit plans, and programs like carpooling or bicycling as commute alternatives; and (3) Land Development Engineering, which manages the engineering requirements for new private development.

### B. **Community Services Department**

The Community Services Department is responsible for the delivery of recreation programs and services; maintenance of City-owned parks, roadway landscaping, and street trees; continued development and operation of commercial and recreational activities, including Shoreline Golf Links; programming and operation of the Mountain View Center for the Performing Arts; and providing staff support to the PRC. The EPC will interact with Community Services staff when looking at large-scale plans such as the General Plan or neighborhood plans and, occasionally, in conjunction with Precise Plans. Neighborhood plans often involve a lot of interest in the amount and quality of open space, which will need to be reviewed against the evaluation of communitywide open space needs.

### **C. Police Department**

The Police Department typically interacts with the Planning Division and, therefore, the EPC, when applicable, in two circumstances: (1) evaluating the need for Police services related to a major land use or zoning change; or (2) when evaluating uses or environmental regulations the Police Department enforces (such as an ordinance regulating massage facilities or smoking ordinance regulations). Plans that may impact Police services are evaluated through the environmental assessment and specific development plans related to public safety concerns. The Police, through Community Service Officers (CSOs), provide zoning-related neighborhood appearance enforcement (for example, dealing with abandoned cars).

### **D. Fire Department**

The Fire Department's focus is fighting fires, responding to medical emergencies, and hazardous material incident response and management. The Fire Department interacts with the EPC regarding land use regulations, such as regarding the location of child care, density of housing, square footage of employment sites, design standards for the separation of buildings and their different uses (industrial versus residential), and reviews environmental assessment sections dealing with hazardous materials and stormwater runoff.

### **E. City Attorney's Office**

The Assistant City Attorney (or designee) attends EPC meetings to assist with legal issues that may be raised, is involved in the review and preparation of ordinances and Precise Plans to ensure proposed regulations comply with the City Charter and the latest land use laws, and monitors compliance with the Brown Act. The Assistant City Attorney (or designee) is the expert in land use and environmental law and should be contacted if there are questions regarding these laws.

**APPENDIX**  
**Important Links**

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**A. Documents Provided Separately**

CEQA Guidelines (May 26, 1992)

**B. Important Links**

[EPC Work Plan](#)

[2030 General Plan](#)

Also on this page:   General Plan Land Use Map  
                                  Housing Element  
                                  Greenhouse Gas Reduction Program

[Precise Plans](#)

[Zoning Ordinance – Chapter 36](#)

Also on this page:   Zoning Map

[City Council & EPC Current Agendas/Minutes](#)

[City Council Archived Resolutions and Ordinances](#)

[EPC Archived Agendas and Minutes \(through 2019\)](#)

[DRC Agendas](#)

[ZA Agendas](#)

[AskMV](#) (submit questions, concerns, and requests)

[Stay Informed](#) (sign up for notices and agenda packets)

[Current Fiscal Year Budget](#)

[City of Mountain View Parks and Open Space Plan](#)

[The Governor’s Office of Planning and Research](#)

[CEQA](#)

[Brown Act](#)

[Department of Finance Data](#) (annual population and housing estimates)

American Community Survey Data (annual surveys of population and housing)

[Demographic and Housing Estimates](#)

[Social Characteristics](#)

[Economic Characteristics \(Mountain View Residents\)](#)

[Commuting Characteristics \(Mountain View Residents\)](#)

[Housing Characteristics](#)

[Worker & Commute Characteristics \(Working in Mountain View\)](#)

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