

**CITY COUNCIL POLICY**

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SUBJECT: GATEKEEPER APPLICATION POLICY AND PROCEDURES

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NO.:

PURPOSE:

To establish a policy and procedures for the review and authorization of private development project applications that propose a legislative amendment to City regulations, such as a General Plan amendment, Precise Plan amendment, a rezoning, or zoning code amendment (referred to as the “Gatekeeper Process”). This procedure provides clarity and instruction on details not otherwise included in Chapter 36 (Zoning), Article XVI (Zoning Ordinance Administration) of the City Code for Precise Plans (Division 11), General Plan Amendments (Division 12), and Zoning Amendments (Division 13).

POLICY:

A. Definitions

The following are defined terms used throughout this policy:

**Council Authorization Hearing.** A Council hearing to review Gatekeeper project applications and determine whether to authorize staff resources to process a formal planning permit application (allowing the applicant to submit a formal application) or to defer acceptance or processing to a specified future date.

**Gatekeeper Application.** A preliminary application proposing a legislative amendment and containing all information required by City Code or other application requirement published by the City, including any required application fee adopted by Council.

**Gatekeeper Process.** The City Council policies and procedures adopted in this policy, in the City Code, and any other policy, procedure, standard, or guideline adopted by City Council to regulate the filing of applications for private development projects that propose a legislative amendment.

**Gatekeeper Project.** A private development project application that includes one or more legislative amendments to City regulations, including but not limited to a General Plan amendment, Precise Plan amendment, a rezoning, or a zoning code amendment such as text, diagrams, maps, or other adopted provision of the Zoning Ordinance of the City of Mountain View.

**Streamlined Gatekeeper Application.** A specific type of legislative amendment proposed in a private development application determined by Council to align with City goals and objectives such that a Council Authorization Hearing is not required, and the project can proceed directly to submission of a formal planning application for staff processing. These

projects, which are exempt from a Council Authorization Hearing, are identified in [Section 36.52.15.e](#) for general plan amendments and [Section 36.52.55.f](#) for zoning amendments of the City Code. No exemptions exist for areas located within a precise plan. While these projects are exempt from a Council Authorization Hearing, they otherwise are referred to as Gatekeeper Projects and are processed in accordance with applicable law governing legislative actions.

B. Gatekeeper Applications

1. Timing of Accepting Applications: A Gatekeeper Application can be submitted to the Planning Division of the Community Development Department any time. Only those applications containing all required information and applicable fee received no later than 90 days prior to a scheduled Council Authorization Hearing will be reviewed at that scheduled hearing.

Any application received fewer than 90 days prior to a scheduled Council Authorization hearing will not be heard at that hearing, but shall be reviewed at the next scheduled Council Authorization Hearing.

2. Required Application Materials: All required application materials for a Gatekeeper Application are outlined in Chapter 36 of the City Code, including:
  - a. For Precise Plan Amendments, City Code [Section 36.50.80](#);
  - b. For General Plan Amendments, City Code [Section 36.52.15.f](#); or
  - c. For Zoning Amendments, City Code [Section 36.52.55.g](#).

The application fee is adopted by Council resolution in the City Master Fee Schedule.

C. Criteria and Design Principles for Gatekeeper Application Submission

The City Council retains full discretion to act on legislative amendments. However, to assist an applicant in preparing a Gatekeeper Application, the following criteria are included to provide clarity on citywide interests and priorities when submitting and considering a Gatekeeper Application. The Council may authorize any Gatekeeper Application it deems is in the public interest. However, a Gatekeeper Application that aligns strongly with City objectives, incorporates community design principles into the project, and includes the greatest number of the application criteria will generally be evaluated more favorably.

## Application Criteria

1. The project does not introduce a new land use into an area where such uses are not currently allowed within a 0.5-mile radius from the project site (e.g., a new commercial use into a predominantly residential area).
2. The project includes one or more of the following public benefits to improve its integration into the Mountain View community:
  - a. **Affordable Housing:** Inclusive of complying with the City's Below-Market-Rate (BMR) Requirements, the project must also provide:
    - i. 20% or more affordable rental housing units for lower income (up to 80% Area Median Income, or AMI) households; or
    - ii. 40% or more affordable rental housing units for moderate income (greater than 80 up to 120% AMI) households; or
    - iii. 30% affordable ownership housing units for moderate income (greater than 80 up to 120% AMI) households.
  - b. **Business Retention:** If a site contains existing businesses that are interested in relocation, provide space(s) for these displaced tenant(s) within the proposed new development; provide subsidized lease terms; or provide relocation assistance and work with the businesses to create a plan for relocation within Mountain View.
  - c. **Public Open Space:** Dedicate a 0.75-acre or greater public park, plaza, or trail to the City.
  - d. **Community Facilities:** Provide a facility for community use that has been identified as a City need; the facility may be dedicated to, managed by, or leased at a subsidized rate to the City; or participate in a City-approved transfer of development rights (TDR) Program with a minimum 30,000 square feet or more.
  - e. **Transportation:** Provide facilities or other incentives on and around the project site that encourage use of multiple modes of transportation, with an emphasis on transit access and use, walking, and biking, and that exceed requirements in the City's Transportation Demand Management (TDM) ordinance.
  - f. **Exclusive to Project Sites Less than 2 acres in size:** Include a community benefit contribution equivalent to a specified dollar amount per square foot of the maximum development allowed on site. Council shall retain discretion on use of the funds.

## Community Design Principles

- a. **Trees and Biodiversity:** Prioritize the preservation of large, healthy trees on-site; and incorporate biodiversity measures from the City's biodiversity strategy, such as a minimum 75% native trees and landscaping and dark sky measures for lighting;
- b. **Historic Preservation:** Showcase and repurpose historic structures to make them available for public enjoyment, or fund the long-term preservation of a historic resource(s);
- c. **Active Transportation:** Incorporate wide public sidewalks, complete and green street principles, and active transportation improvements that support the City's adopted transportation plans, including on-site through-connections for the public and enhanced connections to public facilities including parks and schools; and
- d. **Sustainability** - Include net-zero carbon emissions into building/site design.

### D. Council Authorization Hearing

- 1. Frequency and Scheduling of Hearings: A Council Authorization Hearing shall occur once per calendar year, at minimum, to review Gatekeeper Applications and determine which preliminary applications can proceed to submit formal applications to begin the application review process. The City Manager, or designee, shall recommend to City Council the conduct of more than one Council Authorization Hearing per year if necessary for efficient consideration of Gatekeeper Applications, such as to group similar project types or to consider large and small projects separately.
- 2. Public Notification of Authorization Hearings: In addition to the noticing requirements in Chapter 36 of the City Code for hearings, staff will maintain:
  - a. A webpage on the City website with information about the Gatekeeper Process, application requirements, and upcoming/scheduled Council Authorization Hearings; and
  - b. An email subscription list for parties interested in being notified of upcoming Council Authorization Hearings or other pertinent announcements regarding the Gatekeeper Process.

3. Staff Reports: Staff shall prepare a Council report with summaries of the following information:
  - a. Project Description - current zoning and general plan designation, current use, location, surrounding uses and designations, and proposed new development;
  - b. Required Legislative Amendments - legislative amendments that would be required to accommodate project;
  - c. Alignment with City Objectives - whether and how the project aligns with existing City-adopted plans, strategies, priorities and/or initiatives;
  - d. Application Criteria and Community Design Principles - the project's alignment with any Council-adopted criteria and community design principles for Gatekeeper Applications;
  - e. Suggestions - staff-recommended changes to the scope of the Gatekeeper Application to better accomplish neighborhood compatibility or other City goals; and
  - f. Staff Resources - available staffing resources and current workloads. If resources are not available to process an application, Council will consider whether to deprioritize or delay discretionary City projects, including Council Work Plan projects, long-range planning projects, and/or procedural or technology improvements in order to accommodate processing of the Gatekeeper Application.
4. Applicant Presentation: In addition to City staff's presentation, a representative for each Gatekeeper Application will be provided an opportunity to present their application to the Council at the hearing, subject to applicable conditions established by the Mayor or other Council policy for the presentation.

5. Council Review and Determinations:

The Council shall consider a Gatekeeper Application in the form in which it was submitted and can require revisions to the project application as part of the authorization to file a formal application. Unless otherwise indicated by Council motion, project revisions indicated by a majority of the Council at the Council Authorization Hearing shall be a condition of filing a formal application and a condition of ongoing City processing of a formal application.

Following a presentation and discussion of a Gatekeeper Application, the Council can take any of the following actions on the application:

- a. Allow the project to proceed to submission of a formal application and begin application processing;
  - b. Allow the project to proceed to submission of a formal application, but defer submission or processing until a specific time; or
  - c. Do not allow the project to proceed to submission of a formal application. In this case, the applicant must wait at least two years from the date of submission of the Gatekeeper Application considered by City Council before resubmitting a substantially similar Gatekeeper Application.
6. Council Reauthorization: As detailed in Sections 36.50.90, 36.52.20 and 36.52.60 of the City Code, certain changes such as project ownership, project details, or nonsubmittal of a formal application within the established time frame requires the applicant to return to a Council Authorization Hearing for Council to reauthorize their project to continue.

Any project that requires reauthorization will be scheduled for the next available Council Authorization Hearing so long as the change in project conditions requiring reauthorization are confirmed by City staff no later than 90 days prior to the Council Authorization Hearing.

7. Study Sessions: Any Gatekeeper Application authorized to submit a formal application will have a minimum of one study session with the Environmental Planning Commission and City Council, respectively, during the development review process to seek further policy and project direction.

#### UPDATES TO POLICY

At any time, the Council can initiate updates following the procedures for Council Policy updates. City staff can also share desired updates to the Council policy at any time.

Effective Date: