

ORDINANCE NO.

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 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

WHEREAS, City staff periodically reviews and updates Chapter 36 (Zoning) of the Mountain View City Code (City Code) for consistency with State regulations and to improve internal consistency, usability, and procedural updates to align with current practices or regulatory changes, which may require updates to the other chapters of the City Code; and

WHEREAS, City staff is proposing amendments to Chapters 8, 25, 28, 32, and 35 of the City Code to align with amendments proposed for Chapter 36 to implement and achieve greater consistency with State laws, for internal consistency within the City Code, to improve usability, and to align the City Code with current procedures and practices; and

WHEREAS, the City Council held a public hearing on December 5, 2023 on this Ordinance and received and considered all information, documents, and comments presented at said hearing regarding the Ordinance, including the City Council report;

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

Section 1. Code Amendments. Sections of Chapter 8, 25, 28, 32, and 35 are hereby amended as set forth below with deletions shown by ~~strikethrough~~ and additions shown by red underline.

## CHAPTER 8

Section 2. Chapter 8, Article 1, Division III, Section 8.20.42 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 8.20.42. - Subsection 5.106.5.3.2 amended and Table 5.106.5.3.2 added.**

Section 5.106.5.3.2 of the 2022 California Green Building Standards Code is amended to read as follows:

**5.106.5.3.2 Tier 2.** Table 5.106.5.3.2 shall be used to determine the number of EV-capable spaces required. Refer to Section 5.106.5.3 for design requirements.

When EV-capable spaces are provided with EVSE to create EVCS per Table 5.106.5.3.2, refer to Section 5.106.5.3.2 for the allowed use of Level 2 or Direct Current Fast Charger (DCFC) and Section 5.106.5.3.3 for the allowed use of Automatic Load Management System (ALMS).

One (1) EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV-capable space is accumulatively supplied to the EV charger.

**TABLE A5.106.5.3.2**

Total Number of Actual Parking Spaces <sup>1</sup>	Tier 2 Number of Required EV-Capable Spaces	Tier 2 Number of EVCS (EV-Capable Spaces Provided with EVSE) <sup>2</sup>
0-9	3	0
10-25	8	3
26-50	17	6
51-75	28	9
76-100	40	13
101-150	57	19
151-200	79	26
201 and over	45 percent of total parking spaces <sup>3</sup>	33 percent of EV-capable spaces <sup>3</sup>

<sup>1</sup> In accordance with Government Code Section 65863.2(f), for new multi-family residential and nonresidential development on properties located within one-half (1/2) mile of a major transit stop as defined in Section 21155 of the Public Resources Code, the “total number of actual parking spaces” for purposes of this table and determination of the number of EV-capable spaces is based on the minimum number of parking spaces that, absent Government Code Section 658363.2, would otherwise be required for the development per Chapter 36 of this Code. Calculation for spaces shall be rounded up to the nearest whole number.

<sup>2</sup> The number of required EVCS (EV-capable spaces provided with EVSE) in eColumn 3 count toward the total number of required EV-capable spaces shown in eColumn 2.

<sup>43</sup> Calculation for spaces shall be rounded up to the nearest whole number.”

Section 3. Chapter 8, Article I of the Mountain View City Code is hereby amended to add a new Division IX to read as follows:

**“DIVISION IX. ACCESSORY DWELLING UNIT REVIEW PROCESS.**

**SEC. 8.29.8. - Review process.**

Development of an accessory dwelling unit, as defined in Section 36.60.05, or a junior accessory dwelling unit, as defined in Section 36.60.23, that meets and complies with all applicable development requirements shall be reviewed ministerially and approved or denied through the building permit process within sixty (60) days of submittal of a complete application.

- a. If the permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on a lot, the chief building official, or their designee, shall not take final action on the application for the accessory dwelling unit or junior accessory dwelling unit until the application for the new single-family dwelling is approved.
- b. Occupancy of the accessory dwelling unit or junior accessory dwelling unit shall not be allowed until the chief building official, or their designee, approves occupancy of the primary dwelling.
- c. If a single-family accessory dwelling unit, as defined in Section 36.60.05, is proposed to be constructed to replace an existing detached garage or accessory structure, then a demolition permit for the detached garage or accessory structure must be issued at the same time as the building permit for the new accessory dwelling unit.

**SEC. 8.29.9. - Requirements.**

- a. **Fire sprinklers.** Fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary dwelling unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- b. **Group R occupancy.** The construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Government Code Section 65852.2.”

Section 4. Chapter 8, Article VII, Sections 8.130 through 8.137 of the Mountain View City Code have been amended to read as follows:

**“SEC. 8.130. - Definitions—Amended.**

For the purpose of this ~~a~~Article, the following words and phrases shall have the meanings respectively ascribed to them by this ~~s~~Section:

**Administrative authority.** “Administrative authority” is the chief building official or their designee.

**Building.** “Building” is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure containing one hundred (100) square feet or less of floor space shall not fall within this definition.

**Community development director.** “Community development director” is the community development director for the city, or ~~his/her~~ their designee.

**Public works director.** “Public works director” is the public works director for the city, or ~~his/her~~ their designee.

**Zoning administrator.** “Zoning administrator” is the zoning administrator for the city, or ~~his/her~~ their designee.

**SEC. 8.131. - Compliance with zoning and building codes; ~~e~~Exception.**

In addition to the permits provided for in this ~~a~~Article, any building or structure moved to any location within the city shall comply with the provisions of Chapter 36 the zoning code and the building code, including provisions of the Historic Building Code and the 1997 Uniform Code for Building Conservation for appropriate structures. These provisions shall not apply to buildings or structures moved to a location within the city for the purpose of temporary storage, so long as the provisions of ~~SEC. Section~~ 8.149 are complied with.

No permits shall be issued to move a building to any location inside the city unless: (1) a zoning permit has been obtained from the zoning administrator; (2) the building has been inspected by the ~~chief~~ building official and approved; (3) the route to be followed has been approved by the public works director; (4) building and moving permits have been obtained; and (5) zoning permit fees, building inspection fees and moving fees have been paid by the applicant as set forth in the current fee schedule adopted by city ordinance, and/or by city council resolution.

**SEC. 8.132. - Zoning permit—required.**

A zoning permit shall be obtained in accordance with Division 7 (Moving Buildings) of Article III of Chapter 36~~from the community development department~~, prior to receiving approval from the administrative authority and the public works director that the structure and the route are approved for moving.

~~To approve a zoning permit, the zoning administrator must find and determine that: (1) the structure conforms to the general form, scale and character of the neighborhood and will constitute an upgrading of the area; (2) any structural modifications (i.e., windows, new roofing, etc.) relate to the new site and the surrounding area; and (3) if the structure has historic qualities, the character and architectural style of the period shall be retained in any proposed expansion and/or accessory structures (e.g., avoid stucco over wood, replacing or mixing wood windows with aluminum, etc.).~~

**SEC. 8.133.— Moving notice—Required.**

~~At least seven (7) business days prior to review of a request for a zoning permit to move any building or structure to a location inside the city, the administrative authority shall post both the proposed location and the building to be moved in a conspicuous manner.~~

~~The community development director shall, at least ten (10) business days prior to consideration of said request, cause a notice to be mailed to the owners of property within a radius of three hundred (300) feet of the exterior boundaries of said property, using for this purpose the last known name and address of such owners as shown upon the current assessment rolls of the county. Failure of any property owner to receive said notice of hearing will not invalidate the proceedings or the permit.~~

**SEC. 8.134.— Moving notice—Form and content.**

~~The moving notice required to be posted on the property by the preceding section shall have a title in letters not less than one (1) inch in height, "MOVING NOTICE." It shall give the location of the house by street and number and the name and address of the applicant desiring a permit to move such building; shall set forth the date of the development review committee (DRC) meeting to consider the proposal, and shall state that interested parties may file letters of support or opposition with the planning department, or attend said meeting and present their views.~~

**SEC. 8.135.— Improvements, modifications and repairs—Required in certain cases.**

~~As part of the conditions under which a zoning permit may be issued to move a building or structure to a location inside the city, the zoning administrator may require improvements, modifications and repairs to the building or structure as are determined by the administrative authority in the pre-move inspection report.~~

~~SEC. 8.136.— Denial; review of application.~~

~~If the zoning administrator finds and determines that the relocation of the building to the proposed site would cause appreciable damage to, or be materially detrimental to, the property or improvements within the immediate vicinity of the proposed new location, or if the structure is of a type prohibited at the proposed new location by any law or regulation of the city, the zoning administrator shall deny the zoning permit, and so inform the applicant in writing.~~

~~SEC. 8.137.— Appealing adverse decisions.~~

~~Any person who is aggrieved by the decision of the zoning administrator made pursuant to this article may, within ten (10) business days, appeal therefrom to the city council.”~~

**CHAPTER 25**

Section 5. Chapter 25, Article I, Section 25.4 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 25.4. - Unlawful property conditions and activities.**

It shall be unlawful for any owner to engage in activities upon such property or to maintain or to allow such property to be maintained in such a manner that any of the following conditions or activities are found to exist:

- a. Overgrown, diseased, dead or decayed trees, weeds or other vegetation which constitute a fire hazard or a condition considered dangerous to the public health, safety and general welfare, including vegetation, conditions, materials, or harborage which are likely to harbor or provide habitat for rats, vermin and other pests;
- b. Garbage, refuse, trash, debris or waste except as stored in accordance with the provisions of Chapter 16 of the Mountain View City Code;
- c. Graffiti which remains for a period longer than ten (10) days;
- d. Conditions which, due to their accessibility to the public, may prove hazardous or dangerous, including, but not limited to:
  - ~~{1.}~~ Unused and/or broken equipment;
  - ~~{2.}~~ Abandoned wells, shafts or basements;
  - ~~{3.}~~ Hazardous or unprotected pools, ponds or excavations;

- ~~{4.}~~ Structurally unsound fences or other structures;
  - ~~{5.}~~ Machinery which is inadequately secured or protected;
  - ~~{6.}~~ Lumber, trash, or debris; and
  - ~~{7.}~~ Storing or keeping of chemicals or motor oil.
- e. Any airplane or other aircraft, or any parts thereof;
  - f. On residentially zoned properties: any construction, commercial~~7~~, or other equipment, machinery~~7~~, or materials except that construction equipment, machinery or material which is temporarily kept within or upon the property for and during the time such equipment, machinery or material is required for the construction or installation of improvements or facilities on that property. However, in no event shall the construction equipment, machinery or materials be in the front or side yard areas visible from a public street for any period of time in excess of twelve (12) consecutive months or twelve (12) nonconsecutive months in any eighteen (18) month period. Any construction activity, remodeling or changes to the exterior of the structure shall be completed within eighteen (18) months of commencement;
  - g. Any of the following when located in the front or side yard and visible from public right-of-way: refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household appliances, equipment, machinery, furniture (other than furniture designed and used for outdoor activities), firewood, lumber, salvage materials, building materials, unmounted campers, unmounted camper tops, unmounted camper shells, vessels not on trailers, boats not on trailers~~7~~, or any part of any of the listed items for a period of time in excess of seventy-two (72) consecutive hours, except as specifically provided herein;
  - h. Storing or keeping boxes, containers~~7~~, or dumpsters, in excess of seventy-two (72) consecutive hours, except as otherwise permitted by this code, or when engaged in ongoing construction activity;
  - i. Any storage unit or shed in the front or side yard and visible from a public right-of-way;
  - j. On residentially zoned property, any business which dismantles, disassembles, builds, remodels, assembles, repairs, paints, washes, cleans or services motor vehicles, aircraft, motorcycles, recreational vehicles, boats or trailers;
  - k. Any tent, temporary shelter or collapsible structure in the front or side yard and visible from a public right-of-way for a period in excess of seventy-two (72) hours or for more than two (2) occasions in a calendar year;

- l. Any use of a parking lot or parking structure for other than vehicular parking, ingress and egress, except as expressly authorized pursuant to a city-issued permit;
- m. Any fence, or other structure installed on or upon public property, including structures within the public right-of-way, except as authorized pursuant to a city-issued permit; or
- n. The use of outdoor barbecues or other methods of cooking food outdoors to be sold is prohibited, except as expressly authorized by a festival permit, ~~or~~ and a permit or business license issued pursuant to Chapter 36 of this code.”

## CHAPTER 28

Section 6. Chapter 28, Article I, Section 28.1.35 is hereby amended to read as follows:

**“SEC. 28.1.35. - Definitions.**

As used in this ~~e~~Chapter, the following words and phrases shall have the following meaning:

“City engineer” shall mean the city engineer for the city or their designee.

“Common green subdivision” shall mean a division of land in which there are both separately held parcels of land and commonly held parcels of land within the proposed development, the latter held undivided and in common by owners of the separately held parcels, all pursuant to a planned unit development approved in accordance with the provisions of the zoning ordinance of the city.

“Community apartment project” shall mean a development in which an undivided interest held in a single ownership in the land is coupled with the right of exclusive occupancy of any apartment, unit or portion of a structure located thereon. This shall include granting the right of exclusive occupancy, or the right to finance, to any individual or individuals based on the creation of tenancies-in-common and as further defined in California Civil Code Section 1351(d).

“Condominium” shall mean an estate in real property consisting of a separate interest in a dwelling unit together with an undivided interest in the balance of the property (land and improvements) which is owned in common by the owners of the individual dwelling units and as further defined in Section 783 of the California Civil Code.

“Condominium conversion” shall mean the conversion or division of a single-ownership parcel with a building or buildings into a common-interest development as defined in the California Civil Code Section 1351(c), condominium, community apartment project or stock cooperative project or tenancy-in-common form of ownership involving separate-interest ownership or permanent right of exclusive use of individual dwelling units. Condominium conversion also means the conversion of commercial, industrial or any nonresidential spaces in an existing building to condominium as defined herein.



“Community development director” shall mean the community development director for the city or their designee.

“Condominium conversion project” shall mean a development in which the entire parcel of real property, including all structures thereon or appurtenant thereto, is subject to condominium conversion.

“Davis-Stirling Common Interest Development Act” shall mean the act set forth in the California Civil Code Division 2, Part 4, Title 6, commencing with Section 1350.

“Final map” shall mean a map of a subdivision which is prepared in accordance with the provisions of this eChapter and with any applicable provisions of the Subdivision Map Act and which is designed to be recorded in the office of the Santa Clara County recorder.

“Good faith effort” shall mean the actions and fair intentions by a party to perform substantial work in accordance with an approved map, such as, but not limited to, progress on recording the final map, executing required agreements and payment of fees.

“Parcel map” shall mean a map showing division of land into fewer than five (5) lots or a division of land into five (5) or more lots that meets the conditions of the California Government Code, Section 66426(a), (b), (c) and (d), or a division of land creating fewer than five (5) lots by means of combining lots that may have been partially or entirely subdivided previously, which is prepared in accordance with the provisions of this eChapter and the provisions of the Subdivision Map Act and which is to be recorded in the office of the Santa Clara County recorder.

“Preliminary parcel map” shall mean a map for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

“Public works director” shall mean the public works director for the city or their designee.

“Subdivision” shall mean the same as defined in Section 66424 of the Subdivision Map Act.

“Stock cooperative project” shall mean a project wherein a corporation is formed or availed of primarily for the purpose of holding title to an apartment project or group of more than one (1) individual rental unit, if all, or substantially all, of the shareholders of such corporation receive a right of exclusive occupancy in a dwelling unit, title to which is held by the corporation, which right of occupancy is transferred only concurrently with the transfer of shares of stock in the corporation held by the person having such right of occupancy and as further defined in the California Civil Code Section 1351(m).

“Subdivision committee” shall mean a committee consisting of the community development director, the public works director and the city manager or city attorney, or their

designees, and shall constitute the advisory agency as that term is used in the Subdivision Map Act, except that, in lieu of a separate subdivision committee hearing, the subdivision committee shall refer any subdivision map 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. In the cases listed above, the environmental planning commission shall constitute the advisory agency as that term is used in the Subdivision Map Act.

“Subdivision Map Act” shall mean Chapters 1 through 7 of Division 2, Title 7, of the California Government Code, commencing with Section 66410 thereof.

“Tentative map” shall mean the same as defined in Section 66424.5 of the Subdivision Map Act.

“Urban lot split” shall mean the division of one (1) R1 (single-family residential) zoned lot into two (2) single-family zoned lots, which shall only be used for residential uses.

**Other definitions.** Except as otherwise provided in this ~~e~~Chapter, all terms used in this ~~e~~Chapter which are defined in the Subdivision Map Act or the Davis-Stirling Common-Interest Development Act are used in this ~~e~~Chapter as so defined, unless from the context thereof it clearly appears that a different meaning is intended.”

Section 7. Chapter 28, Article III, Division 1 of the Mountain View City Code is hereby amended to rescind Section 28.3.05 in its entirety, renumber Section 28.3 to Section 28.3.05, and amend Section 28.3.10 to read as follows:

**“SEC. 28.3.05. - Filing.**

One (1) electronic copy of a preliminary parcel map of a proposed division of land and a completed application form shall be filed with the community development director by the subdivider or their agent.

A preliminary parcel map and parcel map shall be required for subdivisions as to which a tentative map and final map is not otherwise required by Chapter 28, Mountain View City Code, and the Subdivision Map Act. The requirement for a parcel map shall be waived if the subdivision meets the provisions of Sections 66428.a(1) and (2) of the Subdivision Map Act.

**~~SEC. 28.3.05. — Lot line adjustment.~~**

~~No preliminary parcel map or parcel map shall be required for lot line adjustments between four (4) or fewer existing adjoining parcels where the land taken from one (1) parcel is added to an adjoining parcel and where a greater number of parcels than originally existing is not thereby created if the lot line adjustment is approved by the subdivision committee in accordance with Section 66412(d) of the Subdivision Map Act. The parcels resulting from the lot line adjustment~~

~~shall conform to the general plan, any applicable precise plan and zoning and building ordinances. The lot line adjustment shall be reflected in a deed, which shall be recorded. The subdivision committee shall review and approve lot line adjustments.~~

**SEC. 28.3.10. - Filing fee.**

At the time of filing the preliminary parcel map, the subdivider or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

~~At the time of filing an application for lot line adjustments, the applicant or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.”~~

Section 8. Chapter 28, Article III, Division 1, Section 28.3.25 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.3.25. - Procedure for review and decision of preliminary parcel maps.**

- a. **Subdivision committee.** On the date set for consideration of the preliminary parcel map, the members of the subdivision committee shall present their report and recommendations and shall hear the comments and opinions of the subdivider and their surveyor or engineer. Within fifty (50) days after the said copies of the preliminary parcel map have been filed, the subdivision committee shall approve, conditionally approve or disapprove the said preliminary parcel map. The fifty (50) day time period specified shall commence after certification of the environmental report, adoption of a negative declaration or a determination by the city that the project is exempted from the requirement of Division 13 of the State Public Resources Code.
- b. **Notification.** Within ten (10) days of that action, the secretary of the subdivision committee shall notify the subdivider in writing of the action taken. In the event of conditional approval, the subdivider shall be advised of the conditions which attach to the said approval.
- c. **Time limit.** If no action is taken by the subdivision committee within the fifty (50) day period specified herein, the preliminary parcel map as filed shall be deemed approved unless the time limit has been extended by mutual consent of the subdivider and the subdivision committee. ~~The preliminary parcel map shall expire twenty four (24) months after its approval unless the time at which the map expires is extended per Article XIII of this Chapter.~~
- d. **Appeals.** If the subdivider is dissatisfied with any action of the subdivision committee with respect to the preliminary parcel map, they may, within fifteen (15) days after notification of such action, appeal to the city council for a hearing thereon. The city council shall hear the appeal within ~~thirty (30)~~ forty-five (45) days of the time of filing of the appeal or at its next ~~succeeding~~ regular meeting after following receipt of a report of the subdivision

committee on the appeal, ~~whichever is sooner~~ not to exceed sixty (60) days from the date of the receipt of the request, and shall at that time either approve, conditionally approve or disapprove the said preliminary parcel map, unless the time limit has been extended by mutual consent of the subdivider and the city council.

e. Expiration. The preliminary parcel map shall expire twenty-four (24) months after its approval unless the expiration date is extended per Article XIV of this Chapter.”

Section 9. Chapter 28, Article III, Division 2, Section 28.4.20 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.4.20. - Procedure for review and decision of preliminary parcel maps for urban lot splits.**

a. **Community development director.** Within fifty (50) days after the said copies of the preliminary parcel map have been filed, the community development director or their agent shall approve or disapprove the said preliminary parcel map, unless the time limit has been extended by mutual consent of the subdivider and the community development director.

Notwithstanding anything else in this ~~s~~Section, the city may deny an application for an urban lot split if the chief building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2): “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” and does not include: (1) inconsistency with the zoning ordinance or general plan land use designation; or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

b. **Notification.** Within ten (10) days of the action, the subdivider shall be notified in writing of the action taken.

c. **Parcel map.** Following an approval of a preliminary parcel map for an urban lot split, the subdivider shall file an application for a parcel map to the city engineer or designee, pursuant to the requirements set forth in ~~Section 28.6, et seq~~ Division 1 of Article IV of this Chapter.”

Section 10. Chapter 28, Article III, Division 3, Section 28.5.20 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.5.20. - Procedure for review and decision of tentative maps.**

- a. **Subdivision committee.** Within fifty (50) days after the required number of copies of the tentative map have been filed, the subdivision committee shall review and consider the tentative map. The fifty (50) day time period specified shall commence after certification of the environmental report, adoption of a negative declaration or a determination by the city that the project is exempted from the requirement of Division 13 of the State Public Resources Code. After giving due consideration to the tentative map, any supporting materials or comments submitted by the subdivider and any relevant staff reports, comments and recommendations, the subdivision committee shall either recommend approval, conditional approval or disapproval of said tentative map to the city council. The recommendation of the subdivision committee regarding said tentative map shall take the form of a written report based upon the findings in Article II of this Chapter. Unless the time limit hereinafter mentioned has been extended by the mutual consent of the subdivider and the subdivision committee, said written report shall be transmitted by the subdivision committee to the city council within fifty (50) days after the tentative map has been filed, and a copy of said written report shall be provided to the subdivider.
  
- b. **Fixing of hearing date before the city council and notice thereof.** At the next regular meeting of the city council following receipt of the subdivision committee’s report, the city council shall fix a meeting date, at which it will consider said tentative map, which meeting date shall be within thirty (30) days thereafter. The thirty (30) day time period specified shall commence after certification of the environmental report, adoptions of a negative declaration or a determination by city that the project is exempted from the requirements of Division 13 of the State Public Resources Code. Notice of the time and place of said council meeting, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ~~ten (10)~~ fourteen (14) days before the meeting. Such notice shall be given by publication once in a newspaper of general circulation published and circulated in the city or, if there is none, by posting the notice in at least three (3) public places in the city, or by publication in a newspaper of general circulation printed and published in the County of Santa Clara and circulated in the city. The city shall provide notice of the application to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll, as owning real property within ~~three hundred (300)~~ seven hundred fifty (750) feet of the property which is the subject of the application.

1. The notice shall be given by at least one (1) of the following methods:
    - (a) Direct mailing to the owners.
    - (b) Posting of notice by the city on and off the site in the area where the project is to be located.
    - (c) Delivery of notice by any means other than mail to the owners.
    - (d) Any other method reasonably calculated by the city to provide actual notice of the hearing.
  2. Nothing contained in this ~~s~~Section shall preclude the city from providing additional notice by other means, nor shall the requirements of this ~~s~~Section preclude the city from providing the necessary notice at the same time and in the same manner as public notice otherwise required by law for such project.
- c. **Consideration by the city council.** On the date set by the city council for consideration of the tentative map, or on such other date as the city council may continue the matter, the city council shall either approve, conditionally approve or disapprove the tentative map. If no action is taken by the city council within thirty (30) days after the date the city council fixes a meeting date to consider said tentative map, the tentative map, as filed, shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act and of this ~~e~~Chapter, unless the said time limit has been extended by the mutual consent of the subdivider and the city council.
- d. **Notification.** The city council shall notify the subdivider in writing of the action taken. In the event of a conditional approval, the subdivider shall be advised of the conditions which are attached to the said approval.
- e. **Expiration.** An approved tentative map shall expire twenty-four (24) months after its approval unless the expiration date is extended per Article XIV of this Chapter. Any tentative map on a property subject to a development agreement may be approved for the period of the time provided for in the development agreement but not to exceed the term of the development agreement.

Section 11. Chapter 28, Article IV, Division 1, Section 28.6 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.6. - Filing.**

- a. **Procedure.** Within twenty-four (24) months after approval or conditional approval of the preliminary parcel map or any extension thereof granted in accordance with Article XIV of this Chapter, the subdivider may cause a parcel map to be prepared in accordance with the

approved preliminary parcel map, the provisions of this ~~e~~Chapter and the Subdivision Map Act. The subdivider shall submit calculations indicating lot closures and areas and two (2) copies of the parcel map to the public works director for review prior to filing.

b. **Fee.** In addition to all other fees or charges required by law, with the initial submittal of the parcel map for review, the subdivider shall pay a map checking fee in an amount fixed by resolution or ordinance of the city council.

~~c. **Extension of time.** Upon application of the subdivider, an extension of time not to exceed an additional twelve (12) months may be granted by the subdivision committee. Prior to the expiration of an approved or conditionally approved preliminary parcel map, upon the application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first. In the event the subdivision committee denies a subdividers application for extension of time, the subdivider may, within fifteen (15) days after such action, appeal to the city council.~~

~~d.~~ **Effect of failure to record.** The failure to record a parcel map within a period of twenty-four (24) months after the approval or conditional approval of the preliminary parcel map or any extension thereof granted by the subdivision committee in accordance with Article XIV of this Chapter shall terminate all proceedings. Before a parcel map may thereafter be recorded, a new preliminary parcel map shall be submitted.”

Section 12. Chapter 28, Article IV, Division 2, Section 28.7 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.7. - Filing.**

a. **Procedure.** Within twenty-four (24) months after approval or conditional approval of the tentative map of a subdivision or any extension thereof granted, the subdivider may cause a final map to be prepared in accordance with the approved tentative map, the provisions of this ~~e~~Chapter and the Subdivision Map Act. The subdivider shall submit calculations indicating lot closures and areas and four (4) copies of the final map to the city engineer for review by the appropriate departments and presentation to the city council. In all instances, except where the final map is for the purpose of effecting a reversion to acreage, the final map shall be based on an accurate survey of the land in question.

b. **Fee.** In addition to all other fees and charges required by law, with the initial submittal of the final map for review, the subdivider shall pay a map checking fee, the amount of which shall be set by resolution or ordinance of the city council.

~~c. **Extension of time.** The time for filing a final map may be extended not to exceed twelve (12) months by the city council. If the time extension does not involve amending the approved~~

~~tentative map conditions or adding new map conditions, the time extension not to exceed twelve (12) months may be granted by the subdivision committee.~~

- ~~d.c.~~ **Effect of failure to record.** The failure to record a final map within a period of twenty-four (24) months after the approval or conditional approval of the tentative map or any extension thereof granted by the city council, or by the subdivision committee as provided in ~~subsection c.~~ Article XIV of this Chapter, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.”

Section 13. Chapter 28, Article XII, Section 28.17.10 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 28.17.10. - Rights of an approved vesting map; ~~t~~ime period for rights; ~~e~~xtensions.**

- a. The approval or conditional approval of a vesting tentative or preliminary parcel map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on the date the application for a vesting tentative or preliminary parcel map is determined to be complete except for previously initiated proceedings to amend or enact ordinances, policies or standards.
- b. Notwithstanding subsection a. of this ~~s~~Section, a permit, approval, extension or entitlement may be made conditionally or denied if any of the following are determined:
  1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  2. The condition or denial is required in order to comply with state or federal law.
- c. The rights referred to herein shall expire if a final or parcel map is not approved prior to the expiration of the vesting tentative or preliminary parcel map. If the final or parcel map is approved, these rights shall last for the following periods of time:
  1. The initial period of time shall be one (1) year after the final or parcel map is recorded. Where several final or parcel maps are recorded on various phases of a project covered by a single vesting tentative or preliminary parcel map, the one (1) year initial time period shall begin for each phase when the final or parcel map for that phase is recorded.
  2. The initial time period set forth in subsection c.1. of this ~~s~~Section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing time exceeds thirty (30) days from the date a complete application is filed.



3. A subdivider may apply ~~for an extension in accordance with Article XIV of this Chapter to the community development department for a one (1) year at any time before the initial time period set forth in subsection c.1. of this section expires. If the extension of a vesting tentative or preliminary parcel map is denied by the subdivision committee, the subdivider may appeal that denial to the city council within fifteen (15) days.~~
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections c.1. through c.3. of this ~~s~~Section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.”

Section 14. Chapter 28 of the Mountain View City Code is hereby amended to add a new Article XIII and Article XIV to read as follows:

**“ARTICLE XIII. LOT LINE ADJUSTMENTS.**

**SEC. 28.18.05. - Purpose and applicability.**

The purpose of this Article is to set forth the process for reviewing and making decisions on requests for lot line adjustments between four (4) or fewer existing adjoining parcels where the land taken from one (1) parcel is added to an adjoining parcel and where a greater number of parcels than originally existed is not thereby created, in accordance with Section 66412(d) of the Government Code.

**SEC. 28.18.10.- Filing.**

One (1) electronic copy of the proposed plot plan of the lot line adjustment, a preliminary title report of each parcel subject to the lot line adjustment and a completed application form shall be filed with the community development director by the property owner or their agent.

Following approval of the plot plan by the community development director, one (1) electronic copy of the plat and legal description and grant deed, along with a completed application form, shall be filed with the city engineer by the property owner or their agent.

**SEC. 28.18.15. - Fees.**

- a. At the time of filing an application for a lot line adjustment, the applicant shall pay a filing fee in an amount fixed by resolution or ordinance of the city council. The application shall not be accepted by or deemed submitted to the community development department without payment of the filing fee.
- b. If the plot plan for a lot line adjustment is conditionally approved by the community development director in accordance with Section 28.18.30(a), after said approval, the

applicant shall pay a processing fee for the preparation and processing of the notice of lot line adjustment and grant deed by the city engineer as described in Sections 28.18.30.(d) and 28.18.30.(e).

**SEC. 28.18.20. - Form and content of the plot plan.**

The plot plan for the lot line adjustment shall be eight and one-half (8.5) inches by eleven (11) inches and shall be drawn to scale, dated and titled. It shall contain the information as set forth in the written requirements of the community development director.

**SEC. 28.18.25. - Form and content of the plat map.**

Following the approval of the plot plan for the lot line adjustment, a plat map shall be prepared by a licensed land surveyor or registered civil engineer. It shall be eight and one-half (8.5) inches by eleven (11) inches with one-half (0.5) inch margins and shall be drawn to scale, dated and titled. The plat and legal description for the lot line adjustment shall contain the items required as set forth in the written requirements of the city engineer.

**SEC. 28.18.30. - Procedure for review and decision of lot line adjustments.**

- a. Community development director decision.** Within thirty (30) days after the plot plan has been filed with all content per Section 28.18.20, the community development director shall approve, approve with conditions or disapprove the plot plan for a lot line adjustment unless the time limit has been extended by mutual consent of the applicant and the community development director. The city shall review the application in accordance with the Permit Streamlining Act.
- b. Conformance with applicable plans and codes.** The parcels resulting from the lot line adjustment shall conform to the general plan, any applicable precise plan and zoning and building ordinances. If the community development director determines that the parcels resulting from the lot line adjustment will not conform to the general plan or an applicable precise plan, or will result in one (1) or more violations of the zoning code or building code or this Chapter, and said violations cannot reasonably be eliminated by conditions of approval, then the director shall deny the application.
- c. Conditions on lot line adjustment.** In accordance with the Subdivision Map Act, the community development director shall not impose conditions or exactions on a lot line adjustment approval except to conform to the general plan, any applicable precise plan and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment or to facilitate the relocation of existing utilities, infrastructure or easements.
- d. City engineer review of plat and legal description.** Following the conditional approval of the plot plan for the lot line adjustment by the community development director, the

applicant shall file an application for a notice of lot line adjustment to the city engineer in a form approved and with materials required by the city engineer, including a grant deed, plat map, and legal description. The city engineer shall verify correctness of surveying data and any other related matters to assure compliance with the provisions of law and of this Chapter.

- e. **Notice of lot line adjustment and grant deed.** If the plat map and legal description are in the correct form prescribed by this Article and the Subdivision Map Act and all conditions of approval have been completed to the satisfaction of the city engineer, the city engineer shall prepare a “notice of lot line adjustment.” The notice must reflect the property owners’, trustees’, and city’s consent or notice of the lot line adjustment with notarized signatures of all parties’ on said notice. A grant deed reflecting the lot line adjustment is required to accompany the notice of lot line adjustment, and the grant deed and notice must be recorded concurrently at the county recorder. No lot line adjustment shall become effective for any purpose unless and until a grant deed and, if required by Section 8762 of the Business and Professions Code, a record of survey is recorded by the county recorder.
- f. **Expiration.** The grant deed reflecting the lot line adjustment must be completed and recorded, together with the notice of lot line adjustment, within twenty-four (24) months of the community development director’s conditional approval of the plot plan for the lot line adjustment.

#### **ARTICLE XIV. SUBDIVISION MAP EXTENSIONS.**

##### **SEC. 28.19.05. - Filing.**

A subdivider or their agent may submit an application to the community development director to extend an approved or conditionally approved preliminary parcel map or tentative map prior to the expiration of said map. One (1) electronic application must be filed and include the following:

- a. A letter noting the requested map extension duration, the reason for extension and evidence as to the good-faith effort by the subdivider to record the final map in accordance with this Chapter; and
- b. A copy of the original approved map.

##### **SEC. 28.19.10. - Filing fee.**

At the time of filing an application for a map extension, the property owner or their agent shall pay a filing fee in an amount fixed by resolution or ordinance of the city council.

**SEC. 28.19.15. - Extension time limitations.**

A map extension request may not exceed the time limitations per this Chapter and in accordance with the Subdivision Map Act.

- a. **Tentative map.** The time at which a tentative map expires may be extended for a period not to exceed twenty-four (24) months, by either one (1) twenty-four (24) month extension or up to two (2) twelve (12) month extensions, by the subdivision committee per Section 28.19.20.b. Any tentative map extension proposed concurrently with a zoning permit extension must align with the term of the associated zoning permit extension per Chapter 36. Any discretionary extension beyond twenty-four (24) months allowed pursuant to the Subdivision Map Act requires approval by the city council.
- b. **Preliminary parcel map.** The time at which a preliminary parcel map expires may be extended for a period not to exceed twenty four (24) months by either one (1) twenty-four (24) month extension or up to two (2) twelve (12) month extensions by the subdivision committee. Any parcel map extension proposed concurrently with a zoning permit extension must align with the term of the associated zoning permit extension per Chapter 36. Any discretionary extension beyond twenty-four (24) months allowed pursuant to the Subdivision Map Act requires approval by the city council.
- c. **Lot line adjustment.** A lot line adjustment cannot be extended.
- d. **Urban lot split.** An urban lot split cannot be extended.

**SEC. 28.19.20. - Procedure for review and decision of map extension.**

- a. **Automatic application extension.** Before the expiration of an approved or conditionally approved preliminary parcel map or tentative map (including vesting maps), upon receipt of an application for a map extension by the subdivider, the time at which the map expires shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved or denied by the subdivision committee or city council, whichever occurs first.
- b. **Subdivision committee and city council.** On the date set for consideration of the map extension, the members of the subdivision committee or city council shall hear the report and recommendation by the community development director on said application and shall hear the comments and opinions of the subdivider and their surveyor or engineer. Within fifty (50) days after the map extension application has been deemed complete under the Permit Streamlining Act, the subdivision committee or city council shall approve, conditionally approve or disapprove said map extension. City council hearings shall be held in accordance with procedures for a tentative map in Section 28.5.20.

- c. **Findings.** The subdivision committee or city council shall determine whether the subdivider has made a good-faith effort to comply with the conditions of the preliminary parcel map or tentative map and record the parcel map or final map during the twenty-four (24) month initial approval term and, if applicable, prior extension terms. The burden of proof is on the subdivider to establish by a preponderance of substantial evidence that the map should not expire. If the subdivision committee determines that the subdivider has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the subdivision committee may extend the permit in accordance with Section 28.19.15. In the event the subdivision committee denies a subdivider's application for extension of time, the subdivider may, within fifteen (15) days after such action, file an appeal to the city council per Section 28.19.20.g.
- d. **Conditions.** With the extension of the term of a map, the subdivision committee and city council may impose new conditions or revise existing conditions for clarification or correction on the approved map which do not substantially alter the map's compliance with the provisions for its design and improvements consistent with this Chapter nor its consistency with the general plan or applicable precise plan.
- e. **Notification.** Within ten (10) days of a decision, the subdivision committee or city council shall notify the subdivider in writing of the action taken on the map extension. In the event of conditional approval, the subdivider shall be advised of the conditions which are attached to said approval.
- f. **Time limit.** If no action is taken by the subdivision committee or city council within the fifty (50) day period specified herein, the map extension as filed shall be deemed approved unless the time limit has been extended by mutual consent of the subdivider and the subdivision committee.
- g. **Appeals.** If the subdivider is dissatisfied with the subdivision committee's denial of the map extension, they may, within fifteen (15) days after the subdivision committee decision, file an appeal to the city council for a hearing as described in Section 28.5.20.b. The city council shall hear the appeal within forty-five (45) days of the time of filing of the appeal or at its next regular meeting following receipt of a report of the subdivision committee on the appeal, not to exceed sixty (60) days from the date of the receipt of the request, and shall at that time either approve, conditionally approve or disapprove the said map extension, unless the time limit has been extended by mutual consent of the subdivider and the city."

## CHAPTER 32

Section 15. Chapter 32, Article II, Section 32.28 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 32.28. - Application for removal permit; Term of permit.**

- a. An application for removal of any heritage tree connected with a discretionary development project permit subject to review by the ~~Development Review Committee,~~ Zoning Addministrator or the city council shall be filed as a development-related removal pursuant to ~~Section-~~ 32.29.
- b. All other applications for removal of a heritage tree or trees, including construction projects which require a building permit only, shall be filed as a nondevelopment-related permit pursuant to ~~Section-~~ 32.30.
- c. All applications for heritage tree removal permits shall specify the number, species, size, and exact location of the tree or trees involved, a brief statement of the reason for the requested removal, and any other pertinent information as may be required by the city. The applicant may be required to provide a plot plan or survey drawn to scale depicting the tree(s) and any improvements on the property and/or an arborist’s report.
- d. A heritage tree removal permit shall be valid for a period of two (2) years from the date of issuance. Said permit may be extended by and at the discretion of the Zoning Addministrator for development-related permits and by the community development director for nondevelopment-related permits. Removal permits shall expire when any underlying permit expires and extensions shall not exceed the life of any underlying permit.”

Section 16. Chapter 35, Article III, Division 3, Section 35.33.11 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 35.33.11. - Discharges and prevention thereof through implementation of best management practices.**

**35.33.11.1.** Each discharger shall provide adequate protection to prevent the discharge of polluted water, grease, hazardous materials, industrial wastes, slugs or other wastes regulated by this ~~a~~Article. Where directed by the fire chief, the discharger shall install city-approved facilities or engineering controls designed to stop the discharge, contain the discharge, eliminate, repair equipment or services, neutralize, offset or otherwise negate the effects of prohibited materials or wastes from being discharged in violation of this ~~a~~Article. Examples of such facilities and engineering controls include, but are not limited to, retention basins, dikes, berms, storage containers, tanks, drip pans, ~~;~~ treatment systems, oil-water separators, secondary containment, pH measuring devices, switches, valves and sensors. Examples of measures to control SSOs

include, but are not limited to: sewer repairs, installation of cleanouts for maintenance, and enhanced routine maintenance. These facilities and engineering controls shall meet all city specifications and shall be approved by the city prior to installation and commencement of discharge. Facilities and engineering controls shall be inspected, cleaned, calibrated, maintained and serviced in accordance with the manufacturer's specifications, but in no cases less than once every six (6) months or more frequently if recommended by the manufacturer. Receipts for such work shall be maintained on-site for three (3) years and available for inspection.

~~(A)~~a. **Facility inspections and log sheets.** Each discharger shall inspect facilities and engineering controls designed to prevent discharges on a periodic basis (but not less than monthly) for the purposes of detecting malfunctions, deterioration, poor housekeeping practices and unauthorized discharges requiring clean-up or other remedial action. An inspection check sheet or log shall be maintained and shall contain the date and time of inspection, the date and time of any corrective action taken, the name of the inspector and the signature of the designated safety manager for the facility or other responsible official.

~~(B)~~b. **Clean-up of spills.** Each discharger shall ensure that any accidental discharge of industrial wastes, polluted water, hazardous materials or hazardous wastes coming into contact with any floor, pavement or ground surface is cleaned up immediately from such surface. These cleaned-up discharges shall be stored in approved closed containers and properly labeled and disposed of in accordance with local, state and federal regulations.

~~(C)~~c. **Spill prevention and clean-up equipment.** Each discharger shall ensure that spill prevention and clean-up equipment is kept in stock at all times and is readily available for use. The discharger shall maintain a sufficient supply and quantity of spill prevention and clean-up equipment to contain and properly remove the largest likely discharge.

~~(D)~~d. **Removing interior floor drains from service.** It shall be unlawful for any interior floor drain to be connected to the storm sewer system. It shall be unlawful for any interior floor drain to be connected to the sanitary sewer in locations where hazardous materials are stored or used, or industrial waste or polluted water may be generated, unless: (1) the discharger has a permit for discharging to the floor drain and such discharge meets all applicable requirements of this ~~e~~Chapter; or (2) the floor drain is intended for discharge of domestic waste.

Floor drains not allowed by this ~~e~~Chapter shall be removed from service in a manner acceptable to the city. "Removal from service" includes, but is not limited to: filling the access with concrete, covering the access with a nonremovable cap, placing a berm or curb around the access of safety shower or eye wash drain or hard-plumbing discharge piping from equipment directly to the drain line when a permit for such discharge has been obtained.

~~(E)~~e. **Open containers.** Open containers containing industrial wastes, polluted water, hazardous materials or hazardous wastes shall not be left unattended unless they are in use or are confined in approved secondary containment.

~~(F)~~f. **Storage above sinks.** No person shall store hazardous materials or industrial wastes in a commercial or industrial facility above a sink discharging to a sewer collection system.

~~(G)~~g. **Three-step floor cleaning procedure.** In locations where hazardous materials are stored or used, or industrial waste or polluted water may be generated, the following three-step “dry-cleaning” procedure shall be employed as a standard operating procedure:

~~(1.)~~ Clean up spills with rags or other absorbent materials;

~~(2.)~~ Sweep and dry-vacuum floor; and

~~(3.)~~ Mop floor (if needed) with damp mop and discharge mop water to a sanitary sewer location.

~~(H)~~h. **Amalgam traps.** Dental facilities using amalgams containing silver shall install amalgam traps on all equipment that may carry silver amalgam waste to the sanitary sewer.

~~(I)~~i. **Food service facilities.**

~~(1.)~~ Commercial or industrial generators of grease, including food service facilities, shall install approved, adequately sized grease-removal devices according to the following time schedule:

(a) New or newly constructed, remodeled, or converted facilities: prior to commencing discharge to the sanitary sewer;

(b) Existing facilities found to have grease blockage or accelerated line maintenance resulting from grease: within thirty (30) days of written notice from the fire chief;

(c) The grease-removal device shall be installed at the site generating the grease in the waste line leading from the source upstream from the drainage or sewer system, upstream of any point of mixture with domestic waste, and at a location approved by the fire chief. It shall, be sized in conformance with Chapter 10, ~~Section-~~ 1014 and Section 1015 of the most current edition of the California Plumbing Code adopted by the city. High-temperature dishwashers shall not be plumbed to the grease-removal device.

(d) Contents of the grease-removal device shall be completely removed by a third-party grease-removal contractor at least quarterly, or when twenty-five (25)



percent of the grease removal device is filled with solids and grease. The contents of the grease removal device shall be properly managed and disposed. During grease-removal device maintenance operations, it shall be unlawful for any grease waste hauler to decant the pumped waste and discharge the pumped contents, or any portion of the contents of the grease-removal device, into the grease removal device, floor sink, sewer cleanout, sewer manhole or any other sewer drain connection. An exemption to this prohibition shall be granted if the discharger demonstrates to the city's satisfaction that proposed equipment adequately separates grease, solids and water components of the pumped waste and that employees are trained in the proper use of the equipment.

- (e) Grease-removal devices shall be maintained and kept in good working condition. Each food service facility operating a grease-removal device shall periodically, but in no case less than annually, inspect the grease-removal device to ensure the following: (1) the flow restrictor, if applicable, is installed and functioning properly; and (2) the internal baffles are present and functioning properly. Grease-removal device inspections must be conducted when the device is pumped clean.
  - (f) A current log of all grease removal and grease-removal device inspection activities shall be maintained at the facility. For grease removal activities, the log shall show the name, address and phone number of the grease-removal contractor, the date of removal, the amount of grease removed and the disposition of the removed contents. For inspection activities, the log shall show the inspector's name, inspection date and comments on the condition of the grease-removal device. The log shall be retained for a period of three (3) years and shall be available for inspection by the fire chief upon request.
  - (g) It shall be unlawful to add chemicals or products that will solubilize grease in the interceptors or traps. Addition of chemicals or products composed of enzymes, solvents and surfactants is prohibited. Products composed of bacterial agents designed to decompose grease may be introduced passively to a grease-removal device to supplement maintenance activities, but shall not be used in place of physical grease removal. Dischargers using bacterial products must obtain prior approval from the city. To obtain approval, dischargers shall submit material safety data sheet (MSDS) and other detailed product studies or information explaining how the product will decompose the grease.
- ~~(2.)~~ Commercial or industrial generators of grease, including food service facilities installed or remodeled after the adoption date of this ordinance, shall be equipped with a sink or other wash area that has a sanitary sewer drain. The sink or wash area shall be plumbed to an approved grease-removal device for cleaning floor mats, containers and other equipment. The sink or cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned.

- ~~(3.)~~ Commercial or industrial generators of grease, including food service facilities, installed or remodeled after December 6, 1994 shall be equipped with a covered, enclosed area for dumpsters and tallow bins which prevent water run-on to the area and runoff from the area. Drains, if installed beneath dumpsters, shall be connected to a grease-removal device.
- ~~(4.)~~ The installation of a food waste disposer (grinder) at any food service facility with one (1) or more grease-generating activities is prohibited. Effective January 1, 2007, no food service facility with one (1) or more grease-generating activities shall utilize a food waste disposer (grinder) for the purpose of food waste disposal to the sanitary sewer.
- ~~(5.)~~ Contents of tallow containers shall be removed periodically as necessary, but in no case less than once every two (2) weeks by a third-party tallow-removal contractor. A current log and receipts of all tallow removal activities shall be maintained at the facility showing the name, address and phone number of the tallow-removal contractor, the date of removal, the amount of tallow removed and the disposition of the removed contents. The log shall be retained for a period of three (3) years and shall be available for inspection by the fire chief upon request. Tallow containers are required if deep-fat fryers will be used to prepare food at the facility. Tallow containers shall be provided with tight-fitting lids.

~~(H)~~i. **Storm drain labeling.** Dischargers shall label the storm drain inlets on their property in accordance with the city's storm drain inlet label program.

~~(K)~~k. **Roof equipment drainage.** Nonresidential facilities installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator shall either: (1) provide secondary containment for all roof-mounted equipment, tanks and piping containing liquids other than potable water; or (2) connect all roof drains and equipment discharge lines to the sanitary sewer. Air-conditioning condensate is allowed to drain onto landscaped areas.

~~(L)~~l. **Water distribution systems.** Sacrificial zinc anodes shall not be in contact with the water supply in water distribution systems. Devices using electricity to dissolve copper or silver into water distribution systems, cooling systems, pools, spas or fountains is prohibited.

~~(M)~~m. **Sanitary and storm sewer drainage lines.** Nonresidential facilities installed or remodeled after the adoption date of this ordinance shall not use copper, copper alloys, lead or lead alloys, including brass, in sanitary or storm sewer lines, connectors or other appurtenances coming in contact with sewage, except for sink traps and associated connecting pipes.

~~(N)~~n. **Laboratories.** Laboratory facilities installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator, shall meet the following requirements:

- ~~(1.)~~ Laboratory sinks, drains and equivalent discharge points shall be connected to approved wastewater treatment facilities or holding tank(s) capable of retaining the nondomestic wastewater flow until it can be sampled and analyzed for materials regulated by this ~~e~~Chapter. The wastewater treatment facility or holding tank(s) shall be fitted with city-approved sampling ports and valves to control their discharge to the sanitary sewer;
- ~~(2.)~~ Aspirator connections on laboratory sink faucets other than those used for transferring acids and bases to treatment facilities are prohibited;
- ~~(3.)~~ Laboratory countertops shall be separated from lab sinks with a ridge or lip to prevent hazardous and other regulated materials spilled on the countertop from draining into the sink; and
- ~~(4.)~~ Laboratories storing or handling mercury shall install “see-through” sewer traps (glass, plastic or other “listed” transparent materials meeting Plumbing Code requirements as approved by the fire chief) to allow inspection and dictate frequency of cleaning.

~~(O)~~o. **Vehicle or equipment fueling facilities.** Vehicle or equipment fueling facilities installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator shall be designed to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by: (1) paving the fueling area with concrete or other nonpermeable surface; (2) covering the fueling area and extending the cover a minimum of ten (10) feet beyond the fuel pumps in the directions of vehicle or equipment access and egress; and (3) grading the area (sloped inward) or installing a berm or curb around the perimeter of the fueling area. Storm drains shall be prohibited in these fueling areas.

~~(P)~~p. **Outdoor vehicle or equipment maintenance (includes washing).** Outdoor unprotected vehicle or equipment maintenance operations installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator shall be designed to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by: (1) paving the maintenance area with concrete or other nonpermeable surface; (2) covering the maintenance area; and (3) grading the area (sloped inward) or installing a berm or curb around the perimeter of the maintenance area. Storm drains shall be prohibited in these maintenance areas.

Owners and operators of self-service commercial washing facilities must post signs or other equally effective methods to indicate that the disposal of wastes, other than wastewater

from vehicle washing operations, into the sanitary sewer is prohibited. The disposal of any waste or wastewater into the storm drain system shall be prohibited.

~~(Q)~~g. **Loading docks.** Loading and unloading docks used for shipping or receiving hazardous material liquids or solids or hazardous wastes, installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator, shall be designed and constructed to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by: (1) paving the loading dock floor with concrete or other nonpermeable surface; (2) covering the loading dock or installing a rain sensor which automatically opens and closes the storm drain in the dock; and (3) grading the dock area (sloped inward) or installing a berm or curb around the perimeter of the loading dock. Storm drains shall be prohibited in these loading dock areas.

~~(R)~~r. **Outdoor storage areas.** Outdoor unprotected areas used for the storage or stockpiles of raw materials, products or equipment which can contaminate stormwater runoff through leaking, breaking down, increasing particulate or sediment runoff, or dissolving in stormwater, installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator, shall be designed to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by: (1) paving the storage area with concrete or other nonpermeable surface; (2) covering the storage area; and (3) grading the storage area (sloped inward) or installing a berm or curb around the perimeter of the storage area. Storm drains shall be prohibited in these outdoor storage areas.

~~(S)~~s. **High-erosion areas.** Areas located on the property of a facility installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator, which are prone to excessive erosion rates and sediment runoff due to: (1) the absence of landscaping; (2) the storage of high sediment-producing materials which are unprotected from stormwater infiltration; or (3) high traffic or heavy equipment traffic patterns which exacerbates the erosion rate, shall be designed to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by either:

~~(1)~~1. Covering the area and grading the area (sloped inward) or installing a berm or curb around the perimeter of the area; or

~~(2)~~2. Retrofitting the area with a treatment system approved by the city which will intercept and remove sediment from the stormwater runoff prior to entering the nearest storm drains, storm sewers or natural outlets.

~~(T)~~t. **Construction areas.** All construction projects occurring within city limits shall be conducted in a manner which prevents the release of hazardous materials or hazardous waste to the soil or groundwater, and minimizes the discharge of hazardous materials, hazardous wastes, polluted water and sediment to the storm sewer system. Practices which shall be

implemented to meet the intent of this requirement are described in city guidelines. The city may require any additional practices consistent with its NPDES stormwater discharge permit if it concludes that the intent of this ~~s~~Section is not being met during the construction process.

A Notice of Intent and a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and available at the site for all projects regulated under the state's "construction general permit" ~~permit~~ and for, any other projects for which the fire department (fire and environmental protection division) determines a SWPPP is necessary to protect surface waters.

All construction projects implement sediment and erosion control BMPs during construction of a project. Sediment and erosion control BMPs include, but are not limited to, ~~to, to~~ the following:

- ~~{1.}~~ Silt fences around the site perimeter;
- ~~{2.}~~ Gravel bags surrounding catch basins;
- ~~{3.}~~ Filter fabric over catch basins;
- ~~{4.}~~ Covering of exposed stockpiles;
- ~~{5.}~~ Concrete washout areas;
- ~~{6.}~~ Stabilized rock/gravel driveways at points of egress from the site; and
- ~~{7.}~~ Vegetation, hydroseeding or other soil stabilization methods for high erosion areas.

~~(U)~~u. **Exterior drains to the sanitary sewer.** Commercial or industrial facilities employing exterior (outdoor) drains discharging to the sanitary sewer installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator shall design the area surrounding the drain to prevent the run-on of stormwater and runoff of spills. This shall be accomplished by: (1) grading the area (sloped inward) or installing a berm or curb around the perimeter of the area; and (2) connecting the drain to an approved wastewater treatment system.

~~(V)~~v. **Parking garages.** Parking garages installed or remodeled after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator, shall meet the following requirement: parking garage floor drains on interior levels shall be connected to an approved wastewater treatment system having a minimum capacity of one hundred (100) gallons, and which discharges to the sanitary sewer.

~~(W)~~w. **Multi-family dwellings.** Multi-family dwellings with twenty-five (25) or more units built after the adoption date of this ordinance shall be equipped with a car wash which connects to an approved wastewater treatment system having a minimum capacity of one hundred (100) gallons; and which discharges to the sanitary sewer. The area surrounding the car wash shall be designed to prevent the run-on of stormwater and runoff of spills by: (1) paving the area with concrete or other nonpermeable surface; and (2) grading the area (sloped inward) or installing a berm or curb around the perimeter of the wash area.

~~(X)~~x. **Swimming pools, spas and fountains.** Swimming pools, spas and fountains built after the adoption date of this ordinance and subject to review by the ~~development review committee and/or~~ zoning administrator shall be installed with a sanitary sewer cleanout in a readily accessible nearby area to allow for draining.

~~(Y)~~y. **Auto body facilities.** Facilities performing auto body work where sanding is occurring shall maintain one (1) or more labeled containers to accumulate wet sanding water and floor mop water. All accumulated wet sanding water and mop water shall settle at least forty-eight (48) hours if the water is to be decanted and discharged to the sanitary sewer system. Settled solid materials (including sludge) shall not be discharged to the sanitary sewer or storm drain and must be managed appropriately.

~~(Z)~~z. **Sprinklered buildings.** Sprinklered buildings installed after July 1, 2002 shall be provided with a sanitary sewer drain in a protected area which can accept sprinkler water discharged during sprinkler system draining or activation of the inspector test valve.

~~(AA)~~aa. **Labeling process and waste piping.** All industrial process piping and tubing shall be labeled in accordance with the requirements listed in Mountain View City Code ~~Section-~~ 24.3.9.d. Labeling shall be provided for industrial piping and tubing containing hazardous materials, nonhazardous materials and wastewater discharges.

~~(BB)~~bb. **Sewer drain signage.** Durable signage stating, "Do Not Dump Chemicals Into Drains" shall be posted at sinks or drain inlets in areas where hazardous materials, hazardous wastes or other materials prohibited in this ~~e~~Chapter are used or stored. Examples of areas where signage is required include, but are not limited to, laboratories, machine shops, manufacturing facilities and food service facilities.

~~(CC)~~cc. **Copper roofs and other architectural copper.** Installation, treatment, cleaning and washing operations on newly installed or existing copper roofs or other architectural copper materials shall be conducted in a manner that prevents the discharge of wastewater from these operations to the storm drain system. Wastewater from these operations shall be collected or contained; and directed to landscaping or to the sanitary sewer.

~~(DD)~~dd. **Trash containers.** All containers that store trash, garbage and litter shall have a securely fastened cover or tight-fitting lid in place at all times when waste material is not

being added or removed from the containers. Trash containers include, but are not limited to, trash receptacles, dumpsters, bins and garbage hauling vehicles.”

Section 17. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 18. 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 19. 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.

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KP/6/ORD  
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