



COUNCIL REPORT

DATE: November 12, 2024

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Eliminate Minimum Parking Standards for Residential Uses in Article X (Parking and Loading) of Chapter 36 (Zoning) of the City Code and the P(19) Downtown Precise Plan, P(38) El Camino Real Precise Plan, P(40) San Antonio Precise Plan, and P(41) East Whisman Precise Plan**

RECOMMENDATION

1. Introduce an Ordinance of the City Council of the City of Mountain View Amending Chapter 36 (Zoning) of the City Code to Implement Subtask (b) of Housing Element Program 1.2, Including Updates to Section 36.32.50 (Required Number of Parking Spaces) to Eliminate Minimum Parking Requirements for Residential Developments in Certain Areas, and Making Conforming and Clarifying Changes to Other Sections of Chapter 36 (Zoning) and Finding the Amendments to be Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3), as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived, and set a second reading for December 10, 2024 (Attachment 1 to the Council report).
2. Adopt a Resolution of the City Council of the City of Mountain View Amending the P(19) Downtown Precise Plan to Eliminate the Minimum Parking Requirements for Residential Development Consistent With Subtask (B) of Housing Element Program 1.2 and Finding the Amendment to be Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(B)(3), as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived (Attachment 2 to the Council report).
3. Adopt a Resolution of the City Council of the City of Mountain View Amending the P(38) El Camino Real Precise Plan to Eliminate the Minimum Parking Requirements for Residential Development Consistent With Subtask (B) of Housing Element Program 1.2 and Finding the Amendment to be Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(B)(3), as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived (Attachment 3 to the Council report).
4. Adopt a Resolution of the City Council of the City of Mountain View Amending the P(40) San Antonio Precise Plan to Eliminate the Minimum Parking Requirements for Residential

Development Consistent With Subtask (B) of Housing Element Program 1.2 and Finding the Amendment to be Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(B)(3), as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived (Attachment 4 to the Council report).

5. Adopt a Resolution of the City Council of the City of Mountain View Amending the P(41) East Whisman Precise Plan to Eliminate the Minimum Parking Requirements for Residential Development Consistent With Subtask (B) of Housing Element Program 1.2, and Finding the Amendment to be Exempt from Review Under the California Environmental Quality Act (CEQA), Pursuant to CEQA Guidelines Section 15061(B)(3), as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived (Attachment 5 to the Council report).

BACKGROUND

Sixth Cycle Housing Element 2023-2031 Implementation

On [April 11, 2023](#), the City Council adopted [the Sixth Cycle Housing Element](#), which covers the eight-year planning period from 2023 through 2031. The Housing Element included Program 1.2, which requires the City to eliminate minimum parking standards for: (a) 100% affordable housing developments; (b) residential developments in the P(38) El Camino Real, P(40) San Antonio, P(19) Downtown, and P(41) East Whisman Precise Plans and the Moffett Boulevard General Plan Change Area; and (c) projects meeting enhanced transportation demand management (TDM) criteria as determined by the City's TDM Ordinance.

On [December 5, 2023](#), Council adopted amendments to Chapter 36 (Zoning) of the City Code, which partially implemented Program 1.2 by eliminating the minimum parking requirement for 100% affordable housing developments and for most sites located within one-half mile of a major transit stop, in accordance with Assembly Bill (AB) 2097 (refer to Attachment 8 for AB 2097 map).

The Housing Element imposes a December 31, 2024 deadline to update the minimum parking requirements per Program 1.2 for Subtasks (a) and (b) and a December 31, 2026 deadline for the work associated with the Citywide TDM Ordinance, which will incorporate enhanced TDM criteria and allow finalization of Subtask (c) of Program 1.2.

Environmental Planning Commission Public Hearing

On September 18, 2024, the Environmental Planning Commission (EPC) held a public hearing to review the proposed amendments (see Attachment 6—[EPC Public Hearing Staff Report Dated](#)

[September 18, 2024](#)), where the EPC unanimously recommended approval of the proposed amendments. During the hearing, the EPC discussed the staff recommendation but raised concerns about increased street parking in certain neighborhoods where public transit is less accessible or convenient for residents. Additionally, one Commissioner highlighted potential challenges related to parking requirements for electric vehicles and disabled parking in regard to the City not having a mechanism to require electric vehicle (EV) and disabled parking spaces if a developer does not provide any parking spaces and no minimum requirement exists.

Staff received two public comments on this item prior to the EPC meeting (see Attachment 7—EPC Public Comment Letters). One commenter supported the proposed amendments while the other expressed concerns about the impacts to on-street parking if minimum parking requirements are eliminated. Additionally, one public speaker expressed support for the proposed amendments at the hearing. The EPC considered the public comments and voted to recommend City Council approval consistent with the staff recommendation, with four votes in favor, two recusals due to proximity of their dwellings to the areas where modifications are proposed, and one abstention from the vote.

ANALYSIS

Section 36.32.50 (Required number of parking spaces) of the City Code establishes requirements for minimum off-street parking spaces based on land use types. Additionally, individual Precise Plans often have different and/or additional parking requirements on top of the City Code based on the unique needs of the area in which the plan is adopted.

Assembly Bill 2097 (AB 2097) eliminated minimum parking requirements on most development projects located within one-half-mile of a major transit stop and allowed developers to determine their parking needs based on specific conditions rather than adhering to the minimum requirement(s) set by the City (for most uses). This flexibility supports diverse and adaptive urban development and can also lower construction and maintenance costs, making projects more financially feasible, and housing projects potentially more affordable for residents. Under AB 2097, if off-street parking is required (regardless if provided voluntarily), the applicant is required to build the accessible and EV parking spaces that would have otherwise been required, ensuring there is sufficient parking for these users.

Housing Element Program 1.2 goes beyond the requirements of AB 2097 by eliminating minimum parking requirements for all residential developments regardless of proximity to a major transit stop throughout the P(19) Downtown Precise Plan, P(38) El Camino Real Precise Plan, P(40) San Antonio Precise Plan, and P(41) East Whisman Precise Plan. These are the transit-oriented Precise Plan areas with the greatest development opportunities.

This update introduces specific changes to the minimum parking requirements in Chapter 36 (Zoning) of the City Code as well as in the P(19) Downtown, P(38) El Camino Real, P(40) San Antonio, and P(41) East Whisman Precise Plans, which will implement Subtask (b) of Housing Element Program 1.2 and is further discussed below.

Chapter 36 (Zoning) Amendments

The proposed amendments (see Attachment 1 for detailed amendments) revise Section 36.32.50 (Required number of parking spaces) of the City Code to include a parking exemption for the residential component of any development in the Moffett Boulevard General Plan Change Area to be consistent with the requirement in Housing Element Program 1.2(b).

If parking is not required but voluntarily provided, the parking spaces must comply with standards related to accessing parking spaces, their size, design, and other safety-related requirements in Section 36.32.80 (Development standards for off-street parking) of the City Code to ensure parking is developed in a way that is usable, fosters good circulation throughout the site, and will not create hazards for those using the spaces. Therefore, language has been added to ensure parking lot design standards are met when parking is proposed voluntarily in a development project that no longer has a minimum parking requirement. Lastly, as mentioned above, when parking is required or voluntarily proposed for a development project, the development project must comply with the required amount of EV supply and charging equipment installed in parking spaces or parking spaces that are accessible to persons with disabilities as required in Chapter 8 (Buildings) of the City Code.

P(19) Downtown Precise Plan Amendments

The P(19) Downtown Precise Plan (DTPP) currently requires an applicant to meet minimum off-street parking requirements or, if located within the defined area of the Parking District, pay an in-lieu fee for the total number of parking spaces not being constructed. The in-lieu fee option is available in the Downtown Parking District as there are existing public parking lots/structures to accommodate parking needs. However, due to AB 2097 and recent code updates, the entire area within the Downtown Parking District now falls within the one-half-mile radius of a major transit stop, thereby eliminating the required parking for most uses.

To implement Housing Element Program 1.2(b), the following amendments are proposed for the DTPP (see Attachment 2 for detailed amendments):

- Eliminate minimum parking requirements for all residential development and any residential component in a mixed-use development;

- Defer to Chapter 36, Article X (Parking and Loading) of the City Code for applicable design and development standards for parking areas when parking is proposed; and
- Other minor updates and clarification in relation to the amendments listed above.

P(38) El Camino Real Precise Plan Amendments

The P(38) El Camino Real Precise Plan (ECRPP) currently allows for parking reductions in multi-family residential developments below the minimum parking requirements in Chapter 36, Article X (Parking and Loading) of the City Code; however, the proposed amendments will clarify that there are no minimum parking requirements for residential developments, including the residential portions of mixed-use projects, in the Precise Plan.

To implement Housing Element Program 1.2(b), the following amendments are proposed for the ECRPP (see Attachment 3 for detailed amendments):

- Eliminate minimum parking requirements for all residential development and any residential component in a mixed-use development;
- Defer to Chapter 36, Article X (Parking and Loading) of the City Code for parking requirements and applicable design and development standards when parking is proposed; and
- Removal of the existing provision allowing a parking reduction for multi-family residential development as it is no longer necessary.

P(40) San Antonio Precise Plan Amendments

The P(40) San Antonio Precise Plan (SAPP) currently establishes minimum parking requirements for multi-family residential developments and allows parking reductions based on factors such as trip generation patterns, proximity to public transit, and TDM measures. The proposed amendments, in line with the Housing Element, will eliminate minimum parking requirements for all residential developments, including the residential portions of mixed-use projects.

To implement Housing Element Program 1.2(b), the following amendments are proposed to the SAPP (see Attachment 4 for detailed amendments):

- Eliminate minimum parking requirements for all residential development and any residential component in a mixed-use development;

- Defer to Chapter 36, Article X (Parking and Loading) of the City Code for parking requirements and applicable design and development standards if not specified in the SAPP when parking is proposed; and
- Removal of the existing provision allowing a parking reduction for multi-family developments as it is no longer necessary.

P(41) East Whisman Precise Plan Amendments

The P(41) East Whisman Precise Plan (EWPP) currently includes minimum parking requirements for residential uses within a designated buffer zone and maximum parking requirements outside of it. Additionally, there are minimum car-share vehicle requirements for multi-family residential developments based on the number of on-site parking spaces provided.

To implement Housing Element Program 1.2(b), the following amendments are proposed for the EWPP (see Attachment 5 for detailed amendments):

- Eliminate minimum parking requirements for all residential development and any residential component in a mixed-use development;
- Eliminate minimum car-share vehicle requirements for all residential development;
- Defer to Chapter 36, Article X (Parking and Loading) of the City Code for parking requirements and development standards if not specified in the EWPP when parking is proposed; and
- Other minor updates and clarifications in relation to the amendments listed above.

ENVIRONMENTAL REVIEW

Staff and the EPC recommend finding that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). The proposed amendments are covered by the general rule (“common sense” exemption) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The project involves minor amendments to the City’s parking requirement policies that would not have the potential to cause a significant physical effect on the environment. The proposed amendments are intended to implement the City’s adopted Sixth Cycle Housing Element program and to reduce cost burdens on residential developments. No physical development is proposed as part of the project, and the project would not result in

the potential for substantially increased allowed density, areas of new development, or new allowed land uses within the City of Mountain View.

FISCAL IMPACT

Removing off-street parking requirements for residential projects and residential components of mixed-use projects in portions of the Downtown Precise Plan Parking District that are not within one-half mile of a major transit stop may result in a loss of Parking In-Lieu Fee revenues if parking is not proposed voluntarily in developments in these areas. Staff does not anticipate significant residential development activity in the affected areas, and the fiscal impact is likely to be nominal.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

CONCLUSION

The proposed amendments to Chapter 36 (Zoning) of the City Code as well as the P(19) Downtown Precise Plan, P(38) El Camino Real Precise Plan, P(40) San Antonio Precise Plan, and P(41) East Whisman Precise Plan are intended to implement Housing Element Program 1.2 identified in the Sixth Cycle 2023-2031 Housing Element, provide clarification to zoning regulations, and improve the clarity and internal consistency of the Precise Plans.

ALTERNATIVES

1. Approve the City Code amendments and Precise Plan Amendments with modifications.
2. Disapprove the City Code amendments and Precise Plan Amendments.

PUBLIC NOTICING

Agenda posting, newspaper publication, and E-notifications were sent to interested parties for Housing Element updates, and a copy of the report on the City website.

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- Attachments:
1. Ordinance Amending Chapter 36 (Zoning) of the City Code
 2. Resolution Amending P(19) Downtown Precise Plan
 3. Resolution Amending P(38) El Camino Real Precise Plan
 4. Resolution Amending P(40) San Antonio Precise Plan
 5. Resolution Amending P(41) East Whisman Precise Plan
 6. [EPC Staff Report Dated September 18, 2024](#)
 7. EPC Public Comments Letters
 8. AB 2097 Map