

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION

STAFF REPORT

APRIL 15, 2026

5. PUBLIC HEARINGS

5.1 Amendments to Chapter 36 (Zoning) of the City Code to Allow Streamlined Administrative Approval for Housing Development Projects Utilizing Assembly Bill 130 and Other Minor Updates

RECOMMENDATION

That the Environmental Planning Commission:

Recommend the City Council adopt an Ordinance of the City of Mountain View Amending Chapter 36 (Zoning) of the Mountain View City Code to Authorize Streamlined Administrative Approval of Housing Development Projects that are Statutorily Exempt From the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.66; and to Make Other Minor Modifications to Chapter 36 to Align Land Uses in the Residential and Commercial Zones with State Laws; and Finding that the Amendments are Exempt from Review Under the California Environmental Quality Act, as Recommended by the Environmental Planning Commission, to be read in title only, further reading waived (Attachment 1 to the Staff Report).

BACKGROUND

On June 30, 2025, the Governor signed [Assembly Bill \(AB\) 130](#) into law. AB 130 took effect immediately and significantly overhauled state housing and environmental review laws for infill housing development projects meeting certain criteria. The law's major provisions include streamlined review under the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (CEQA), defined time periods for review and approval of certain housing development projects, more options to mitigate vehicle miles traveled (VMT) impacts, and a moratorium on new residential building code standards through 2031. This report focuses on the new statutory CEQA exemption established by AB 130 (codified at [Public Resources Code Section 21080.66](#)) as well as the new timelines for taking final action on projects that are exempt from CEQA under AB 130 and Senate Bill (SB) 158 (codified at [Government Code Section 65950\(a\)\(7\)](#)). More information about the statute is provided below under "Analysis."

On [January 27, 2026](#), the City Council received a staff report (Attachment 2) regarding the implementation of recently adopted state housing legislation, including AB 130. At that meeting, Council directed staff to prepare amendments to Chapter 36 (Zoning) of the City Code to allow approval of projects eligible for the AB 130 streamlined CEQA review without requiring a public hearing.

In addition, on [February 24, 2026](#), during review of small business streamlining and other minor Zoning Code updates, the City Council identified several additional minor clean-up amendments to Chapter 36 of the City Code to allow:

- Child-care centers co-located with multi-family residential uses;
- Family child-care homes within the residence of the provider in commercial zones where General Plan Mixed-Use Village Centers are allowed; and
- Low-barrier navigation centers in the Commercial Office (CO) Zoning District.

The proposed amendments also support the [Fiscal Years 2025-27](#) Council Work Plan City Code Cleanup project and help to implement Programs 1.1 and 4.1(b) of the 2023-2031 Housing Element by ensuring the Zoning Code remains consistent with state law and streamlining housing development review processes.

ANALYSIS

AB 130 Overview

AB 130 establishes a new statutory CEQA exemption for qualifying infill residential projects. Statutory exemptions are unqualified exemptions from CEQA, meaning they are not subject to the exceptions to the application of categorical exemptions provided in CEQA Guidelines Section 15300.2. Qualifying residential projects can consist of single-family, multi-family, mixed-use, and transitional/supportive housing projects. Projects must satisfy statutory criteria to qualify for the new statutory exemption under Public Resources Code Section 21080.66, including maximum acreage, consistency with applicable Zoning and General Plan standards (except as superseded through state density bonus provisions, including waivers, incentives/concessions, and reduced parking), and minimum density of at least 15 units per acre. Table 1 provides a summary of the statutory exemption criteria.

Table 1: AB 130 Statutory Exemption Criteria

CRITERION	DETAILED STANDARD
Project Size	<ul style="list-style-type: none"> • ≤20 acres (standard); or • ≤4 acres (Builder’s Remedy).
Location	<ul style="list-style-type: none"> • Located within the boundaries of an incorporated municipality or U.S. Census urban area.
Urban Infill Context	<ul style="list-style-type: none"> • Previously developed with an urban use; • At least 75% of the perimeter of the site adjoins parcels that are developed with urban uses; • At least 75% of the area within a one-quarter mile radius of the site is developed with urban uses; or • For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.
Plan/Zoning Consistency	<ul style="list-style-type: none"> • Must be consistent with local General Plan and Zoning Ordinance/Precise Plans as well as any applicable local coastal program; • If the Zoning and General Plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one; and • The approval of a density bonus, concessions, waivers, and reduced parking ratios pursuant to State Density Bonus Law shall not be grounds for determining that the project is inconsistent with the applicable General Plan, Zoning Ordinance, or local coastal program.
Minimum Density	<ul style="list-style-type: none"> • ≥50% of default Housing Element density (15+ units per acre in Mountain View).
Use Restrictions	<ul style="list-style-type: none"> • No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging except a residential hotel per California Health and Safety Code Section 50519 and short-term lodging; and • The project does not require demolition of historic structures listed on a national, state, or local historic register before the submittal date of the project’s preliminary application.
Environmental Conditions	<ul style="list-style-type: none"> • Not located on a hazardous waste site pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code (subject to limited exceptions).

CRITERION	DETAILED STANDARD
Other Criteria	<ul style="list-style-type: none"> • Not located in a coastal zone; • Not located on areas of prime farmland or farmland of statewide importance; • Not located on wetlands; • Not located within a very high fire hazard severity zone; • Not located within a delineated earthquake fault zone; • Not located within a special flood hazard area subject to inundation by the 1% annual chance flood (100-year flood) or a regulatory floodway; and • Not located on lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan, protected habitat, or lands under conservation easement.

Projects qualifying for a statutory exemption under AB 130 remain subject to the local development review process with new requirements for both developers and local jurisdictions.¹ Developers are subject to new labor standards (prevailing wages and a skilled work force) for 100% affordable housing projects and buildings over 85' tall. Developers must comply with specific air quality standards for project sites near freeways and specific requirements when recognized environmental conditions are found on the site (e.g., complete a preliminary endangerment assessment, remove or mitigate hazardous substance releases, and/or mitigate the potential for exposure to significant hazards from surrounding properties or activities) before projects may be occupied. Local jurisdictions must also engage in a consultation process with Native American tribes.²

AB 130 and SB 158 also amended the Permit Streamlining Act (PSA), Government Code Section 65920, *et seq.*, to add mandatory timelines for the City to approve or disapprove qualifying “infill” development projects within 30 days from the conclusion of the objective standards consistency analysis or the conclusion of the tribal consultation process, whichever is later (Gov. Code, § 65950(a)(7)). AB 130 also amended and expanded the PSA to apply both a 30-day completeness review (Gov. Code, § 65953) and a 60-day time frame within which the City must make a final decision after receipt of a complete application (Gov. Code, § 65950(a)(6)) to ministerial housing development projects. A project is

¹ Applicants for projects deemed complete before July 1, 2026 were obligated to notify the City that the project is eligible for the AB 130 CEQA exemption. For projects deemed complete after that date, the City is required to determine eligibility and follow the procedures of AB 130 independent of any applicant request.

² Developers may be included in such consultation with the approval of the tribes and must comply with the confidentiality requirements of state law and tribal standards.

deemed approved if a final action is not taken within these time frames (Gov. Code, § 65956(b)).

The most pressing reason to adopt these amendments at this time is to avoid the risk of projects being deemed approved by ensuring that the City can act on, and place appropriate conditions of approval on, development projects whose statutory approval deadlines are incompatible with existing City procedures, including the multi-hearing approval process currently required for many projects, and also including the City Council, Environmental Planning Commission, and Zoning Administrator meeting schedules and associated agenda management considerations for these meetings.

AB 130 Amendments

As summarized in Table 2, the amendments establish administrative procedures for streamlined approval of qualifying housing project applications. Attachment 1 includes all amendments.

Table 2: Summary of Proposed Amendments Related to AB 130

CITY CODE SECTION	AMENDMENT DESCRIPTION
ARTICLE XIV—Affordable Housing Program, DIVISION 3—Commercial and Industrial Development: Housing Impact Fee Program	Update the alternative mitigations approval process to allow administrative approval for nonresidential housing impact fees. This scenario would only apply to the nonresidential portion of a mixed-use development.
ARTICLE XVI—Zoning Ordinance Administration, DIVISION 1— Authority for Land Use and Zoning Decisions	Update review authority for AB 130 housing developments and related approvals.
ARTICLE XVI—Zoning Ordinance Administration, DIVISION 2— Development Review Process	<ul style="list-style-type: none"> • Add AB 130 housing development approvals under “administrative procedures.” • Add administrative review and approval procedures for housing projects subject to Public Resources Code Section 21080.66 (i.e., AB 130), including applicability, findings, noticing, and others. No permits from Chapter 36, other than a development review permit, shall be required.

Administrative Versus Ministerial Approval

The January 27, 2026 staff report used the term “ministerial” to describe the recommended approval process without a public hearing for projects subject to the statutory exemption provided in AB 130. A ministerial approval process is one that requires no discretion and relies solely on evaluating a project against adopted standards. Staff recommends continuing work on a ministerial approval process for projects subject to the statutory exemption provided in AB 130; however, at this time, staff is recommending an “administrative” approval process because of several challenges associated with adopting ministerial approval procedures within the time constraints of the current ordinance amendment process. An administrative approval process involves no public hearing but still includes the exercise of discretion where objective standards are not in place to enable a ministerial approval process. Staff’s assessment is that the recommended administrative approval process will accomplish the spirit and intent of Council’s direction on January 27, 2026 until such time as staff can perform the further work needed to prepare additional ordinance amendments to achieve a ministerial approval process. Table 3 compares ministerial and administrative actions.

Table 3: Ministerial and Administrative Approvals

	ADMINISTRATIVE	MINISTERIAL
Approval Process	Staff-level, no public hearing.	Staff-level, no public hearing.
Development Standards	Only objective development standards may be used to modify or deny a project.	Only objective development standards may be used to modify or deny a project.
Discretion	Staff is empowered to reduce development standards or implement exceptions where allowed by the City Code and in furtherance of established City goals and policies.	Approval is a “check-the-box” exercise to determine compliance.
CEQA	CEQA applies, but projects may be eligible for categorical or statutory exemptions, such as the statutory residential infill exemption under AB 130.	CEQA does not apply to ministerial actions.

After evaluating both options, staff recommends the administrative approval process at this time for the following reasons:

- A fully ministerial approval framework would require the City to eliminate all sources of discretion within the development review process for housing development projects subject to the AB 130 statutory exemption and rely exclusively on objective development standards. While relying solely on objective development and design standards for housing project review is a goal for the City, staff has determined that transitioning to a ministerial process would require additional analysis and code amendments to identify discretionary provisions and develop enforceable objective standards that achieve the same regulatory outcomes.

For example, the East Whisman Precise Plan allows flexibility in the application of frontage types (such as storefronts, arcades, and dooryards) and new connections, provided the project meets the intent of the standards and is approved through the review process. Other examples include the Heritage tree removal findings and the privately owned/publicly accessible (POPA) open space requirements.

Converting these provisions to a fully ministerial framework would require removing such discretionary elements and replacing them with clearly defined, objective criteria. These types of modifications would require area- and topic-specific analyses that are not feasible to complete within the current amendment timeline.

- The administrative approval process allows staff the opportunity to approve case-by-case exceptions to development standards where allowed by the City Code or Precise Plan and in furtherance of established City goals and policies. For example, many Precise Plans include provisions that allow exceptions to development standards if the exception meets the purpose and intent of the Precise Plan. This provides additional flexibility for development projects that do not strictly meet objective standards.

Project Review Process and Noticing

On January 27, 2026, the City Council requested staff include a courtesy public notice as part of the new review process for housing development projects eligible for the AB 130 statutory exemption. Incorporating a courtesy public notice will ensure property owners and residents surrounding a project site are made aware of the forthcoming development. It will also afford notice recipients the opportunity to provide written comments. While it will not be possible for the City to require modifications to housing development projects that comply with objective standards, comments received during the courtesy notice period could lead to project modifications or conditions of approval that are acceptable to the

developer. To enable this opportunity, the proposed Section 36.44.75(c) includes noticing requirements for qualifying AB 130 development projects approved under the proposed project review process, as follows:

1. Application Submittal: The applicant submits a development application.
2. Completeness Review: Staff reviews the application for completeness within the time frame required by state law. Staff notifies the applicant if additional materials are required. Once all required materials are submitted, the application is deemed complete.
3. Tribal Notifications: Following a determination of completeness, staff provides notification to applicable tribal representatives in accordance with state law. Tribes must respond within 60 days, and the City must initiate consultation within 14 days of receiving a tribe's election to consult. The consultation must conclude within 45 days and may be extended by 15 days by tribal request.
4. Courtesy Noticing: Concurrent with the tribal notifications, staff prepares and distributes courtesy notices to property owners and occupants within the noticing radius identified in Section 36.56.20 (Notice of hearing) of the City Code as well as to other interested parties.
5. Public Comment Period: Recipients of the courtesy notice are provided a 10-day period to submit written comments. Any comments received will be considered by staff and shared with the project applicant for their consideration.
6. Consistency Review: Concurrent with tribal and courtesy noticing, staff conducts a review of the application for consistency with applicable objective standards and must identify if the project is not consistent within 30 days (for projects with 150 or fewer units) or 60 days (for projects with more than 150 units) of the completeness determination.
7. Project Decision: A decision on the project must be issued within 30 days of the later time frame of the conclusion of tribal consultation (Step 3, above) or the objective standards consistency analysis (Step 6, above).

Other Minor Amendments to the City Code

Staff is incorporating additional amendments in response to Council input and questions associated with the February 24, 2026 Council hearing, when Council considered the small

business streamlining and other minor Zoning Code updates. The additional proposed amendments implement various state legislation, including:

- [AB 752 \(2024-2025\) \(Child daycare facilities\)](#), codified at [Health and Safety Code Section 1597.22](#): Requires a child-care center, when co-located with multi-family housing, to be considered a residential use of the property and a by-right use, subject to the same development standards that apply to the residential use.
- [SB 234 \(2019-2020\) \(Family daycare homes\)](#), codified at [Health and Safety Code Section 1597.42](#): Requires large- and small-family child-care homes, operated under the standards of state law, in a residentially zoned area to be considered a residential use of the property and a by-right use within the residence of the provider, subject to the same development standards that apply to the residential use.
- [AB 2162 \(2017-2018\) \(Supportive Housing by-Right Act\)](#), codified at [Government Code Section 65583](#): Requires supportive housing that meets the requirements of Government Code Section 65650 to be permitted by right in zones where multi-family and mixed uses are allowed, including nonresidential zones permitting multi-family uses, subject only to objective standards consistent with state law.
- [AB 101 \(2019-2020\) \(Low-Barrier Navigation Centers\)](#), codified at [Government Code Section 65660, et seq.](#): Requires these facilities to be a use by right in areas zoned for mixed-use and nonresidential zones permitting multi-family residential development.

To comply with the intent of this legislation, a new heading was added to the residential and commercial land use tables: “Residential Accessory Uses.” This heading distinguishes uses that are allowed by right within or accessory to dwelling units on the site (such as accessory dwelling units, family child-care homes, and accessory dwelling units) from uses that are allowed whether or not there are dwelling units on the site (such as churches, child-care centers, or commercial uses within commercial zones). In addition, the redundant language within the General Plan Mixed-Use Village Center Development standards has been removed.

Additionally, clarifying language has been added to the commercial land use table to specify that supportive housing meeting the requirements of Government Code Section 65650 is permitted by right in zones where multi-family or mixed uses are allowed, consistent with state law. Definitions for supportive housing and transitional housing were also updated to specify that these uses are as defined in state law and are subject to the same standards as residential uses, consistent with Government Code Section 65583(c)(3). Table 4 contains a summary of these amendments.

Table 4: Other Amendments

CITY CODE SECTION	AMENDMENT DESCRIPTION
ARTICLE IV—Residential Zones, DIVISION 2—Land Uses	<ul style="list-style-type: none"> • Add new land use heading “Residential Accessory Uses” to identify uses that are only allowed within or accessory to dwelling units. • Add “Child-Care Center co-located with multiple family development” as a permitted use where multiple-family development is allowed, pursuant to AB 752.
ARTICLE V—Commercial Zones, DIVISION 2—Land Uses	<ul style="list-style-type: none"> • Add new land use heading “Residential Accessory Uses” to identify uses that are only allowed within or accessory to dwelling units. • Add “Child-Care Center co-located with multiple family development” as a permitted use where multiple-family development is allowed, pursuant to AB 752. • Permit large- and small-family child-care uses within dwelling units where residential is allowed, pursuant to SB 234. • Permit low-barrier navigation centers by right in the CO Zoning District. • Add clarification that supportive housing that meets the requirements of Government Code Section 65650 shall be a use by right in zones where multi-family and mixed uses are permitted, in accordance with state law. Supportive housing that does not meet the requirements of Government Code Section 65650 shall apply the permit requirements in the Code.
ARTICLE IX—Standards for Specific Land Uses, DIVISION 5—Child Day-Care Facilities	<ul style="list-style-type: none"> • Allow small- and large-family child-care facilities within any dwelling unit and subject to the development standards

CITY CODE SECTION	AMENDMENT DESCRIPTION
	<p>applicable to residential uses, pursuant to SB 234.</p> <ul style="list-style-type: none"> • Allow child-care centers to be co-located on multi-family residential development and subject to development standards applicable to residential uses, pursuant to AB 752. • Modify language to be consistent with the language and definitions elsewhere in the ordinance. For example, changing “Child day-care facilities” to “child-care facilities.”
ARTICLE IX, DIVISION 23—General Plan Mixed-Use Village Center Developments	Update the allowed residential use standards to eliminate redundancy and potential inconsistencies regarding the residential accessory uses that may be allowed in General Plan Mixed-Use Village Center developments.
ARTICLE XVII, DIVISION 2—Definitions	Update the definition of supportive housing and transitional housing to clarify that the use is as defined in state law and subject to the same standards as residential, consistent with Government Code Section 65583(c)(3).

ENVIRONMENTAL REVIEW

The proposed text amendments to the City Code are not a project under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, pursuant to Public Resources Codes Section 21065 and CEQA Guidelines Section 15378 because they do not approve a project or result in a direct physical impact on the environment or contemplate a known future project, and, as such, there are no known environmental impacts at this time. As a separate and independent basis, adoption of the amendments is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as the amendments are related to: (1) state legislation; (2) permit procedural changes or clarifications with no substantive changes to allowable land uses within existing Zoning Districts; and (3) are otherwise covered by the common-sense exemption whereby it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

Future development projects would be evaluated for CEQA compliance, including potential eligibility for the statutory exemption established by AB 130.

NEXT STEPS

Following the recommendation from the EPC at this public hearing, the proposed amendments and the EPC recommendation will be forwarded to the City Council at a public hearing tentatively scheduled for May 26, 2026. The City Council will also consider other sections of the City Code related to the development review process, including subdivisions and park land dedication. If approved by the City Council in May, a second reading of the ordinance will occur in June, and the proposed code amendments would be effective 30 days after the second reading.

CONCLUSION

The proposed City Code amendments implement City Council direction and are intended to support compliance with state law and Housing Element Programs 1.1 and 4.1. These amendments establish a review process for qualifying projects aligned with the timelines mandated by state law, while maintaining compliance with the City's development standards. They also clean up and clarify sections of the Zoning Code that implement various state laws.

ALTERNATIVES

1. Recommend the City Council adopt the proposed zoning text amendments with modifications.
2. Recommend the City Council disapprove the proposed zoning text amendments and retain the existing code language.

PUBLIC NOTIFICATION

The EPC's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. A newspaper notice has been circulated for this meeting.

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Attachments: 1. Draft Ordinance Amending Chapter 36 (Zoning) of the City Code
2. [City Council Report dated January 27, 2026](#)