

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 28 (SUBDIVISIONS) AND CHAPTER 41 (PARK LAND DEDICATION OR FEES
IN LIEU THEREOF) 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 28 AND CHAPTER 41 TO ACHIEVE GREATER CONSISTENCY
WITH STATE LAWS, FOR INTERNAL CONSISTENCY WITHIN THE CITY CODE,
AND TO ALIGN THE CITY CODE WITH CURRENT PERMITTING PROCEDURES AND PRACTICES;
AND FINDING THAT THE AMENDMENTS ARE EXEMPT FROM REVIEW UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, City staff periodically reviews and updates the Mountain View City Code (City Code) for consistency with state regulations and to improve internal consistency, usability, and permitting procedures to align with best practices or regulatory changes; and

WHEREAS, the 2023-2031 Housing Element includes Program 1.1 (Zoning Ordinance Update for Consistency with State Laws) to update the Zoning Ordinance to address consistency with future state laws and Program 4.1 (b) (Development Streamlining and Processing Revisions) to review development and post-development processes, timelines, and approval body levels to streamline permitting processes; and

WHEREAS, on June 30, 2025, the Governor signed Assembly Bill (AB) 130, which made numerous significant changes to state housing law, including significant reforms to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (CEQA); and

WHEREAS, AB 130 established a new statutory CEQA exemption, which exempts qualifying “infill” projects that meet specific criteria from CEQA review (codified at Public Resources Code Section 21080.66); and

WHEREAS, AB 130 and Senate Bill (SB) 158 amended the Permit Streamlining Act (Government Code Section 65920, *et seq.*) to add mandatory timelines for the City to approve or disapprove qualifying “infill” projects within 30 days from the conclusion of the objective standards consistency analysis or the conclusion of the tribal consultation process, whichever is later; and

WHEREAS, pursuant to Government Code Section 65956, in the event the City fails to approve or disapprove a development project within the time frames above, the project is deemed approved; and

WHEREAS, on January 27, 2026, the City Council directed staff to prepare updates to the City Code to allow ministerial approval of housing development projects that qualify for the new statutory CEQA exemption pursuant to Public Resources Code Section 21080.66, without a public hearing, and staff is proposing an administrative process to consider such projects until staff has an opportunity to develop a fully ministerial process; and

WHEREAS, the City seeks to amend the City Code to codify administrative review procedures for housing development projects that qualify for the new statutory CEQA exemption under Public Resources Code Section 21080.66 (AB 130) to facilitate the production of housing, including affordable housing, consistent with the goals of the City's Housing Element and state housing policy; and

WHEREAS, under the Subdivision Map Act, Government Code Section 66410, *et seq.*, the City may, by local ordinance, authorize an advisory agency to approve, conditionally approve, or disapprove a tentative map within the time period required by Government Code Section 66452.1; and

WHEREAS, by this Ordinance, the City Council seeks to designate the Community Development Director as the advisory agency having the authority to approve, conditionally approve, or disapprove preliminary parcel maps and tentative maps for housing development projects that qualify for the new statutory CEQA exemption under Public Resources Code Section 21080.66; and

WHEREAS, City staff is proposing amendments to Chapter 28 (Subdivisions) and Chapter 41 (Park Land Dedication or Fees in Lieu Thereof) 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 duly noticed public hearing on May 26, 2026 on this Ordinance and received and considered all information, documents, and comments presented at said hearing regarding amendment(s) to Chapter 28 and Chapter 41, including the City Council staff report and related materials; now, therefore,

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

SECTION 1. Chapter 28 (Subdivisions), Article I (General Subdivision Provisions), Section 28.1.15 (Transactions voidable) and Section 28.1.20 (Issuance of permits) of the Mountain View City Code are hereby amended to add, delete, or modify their provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.1.15. - Transactions voidable.

Any deed or conveyance, mortgage, deed of trust or other lien or lease or sale or contract to sell, mortgage, lien or lease real property made contrary to the provisions of this ~~e~~Chapter is voidable at the sole option of the grantee, buyer, tenant, mortgagee, beneficiary or person contracting to purchase, or to accept a lien or mortgage, or to lease as a tenant, their heirs, personal representatives or trustees in insolvency or bankruptcy, within one (1) year after the date of discovery of the violation of the provisions of this ~~e~~Chapter or the Subdivision Map Act, but such deed of conveyance, sale, mortgage, deed ~~of to~~ trust, lien, lease or contract is binding upon any assignee or transferee of the grantee, mortgagee, beneficiary, tenant, buyer or person contracting therefor, other than those above enumerated, and upon the grantor, vendor, mortgagor, trustor, landlord or person so contracting, their assignee, heir or devisee.

The provisions of this ~~s~~Section shall not limit or affect in any way the rights of a grantee or successor-in-interest under any other provision of law.

SEC. 28.1.20. - Issuance of permits.

No building, grading, plumbing or electrical permit shall be issued for the construction, reconstruction, alteration or modification of any building or structure situated on land which has been divided or conveyed in a manner contrary to the provisions of this ~~e~~Chapter and/or the Subdivision Map Act. Any permit issued prior to such a division or conveyance shall be subject to revocation after notice and hearing.

SECTION 2. Chapter 28 (Subdivisions), Article I (General Subdivision Provisions), Section 28.1.35 (Definitions) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.1.35. - Definitions.

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

“Approval body or official” shall mean the body or official specified by this Chapter as having authority to approve, conditionally approve or disapprove a proposed subdivision.

“Advisory agency” means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon or having the authority under this Chapter to approve, conditionally approve or disapprove maps.

“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 as defined in California Civil Code Section 4105 ~~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).~~

“Community development director” shall mean the community development director for the city. The community development director shall constitute the advisory agency having the authority to approve, conditionally approve or disapprove preliminary parcel maps and tentative maps for housing development projects that qualify for the new statutory CEQA exemption under Public Resources Code Section 21080.66 as described in Article XV (Administrative Review of Preliminary Parcel Maps and Tentative Maps).

“Condominium” shall mean an estate in real property consisting of an an undivided ~~separate~~ interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property ~~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 California Civil Code Section 783.~~

“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 4100 (including a 1351(c), residential condominium, planned development, community apartment project or stock cooperative) or any other ownership type in which an undivided interest in common in a portion of a parcel is held together with a separate interest in space. ~~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, and any structure or structures thereon ~~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 4, Part 45, Title 6, commencing with Section 13504000.

“Environmental planning commission” shall mean the environmental planning commission of the city, established pursuant to Section 906 of the city charter. The environmental planning commission shall constitute the advisory agency, as that term is used in the Subdivision Map Act, for 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 or other development application requiring a recommendation by the environmental planning commission.

“Final map” shall mean a map ~~of a subdivision which is~~ prepared in accordance with the provisions of this Chapter 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 a subdivision of four (4) or ~~land into fewer~~ parcels, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act and designed to be recorded in the office of the Santa Clara County recorder. A parcel map also means a map showing a subdivision of ~~than five (5) lots or a division of land into five (5) or more lots~~ parcels under the tentative and final map exceptions in ~~that meets the conditions of the California Government Code, Section 66426(a), (b), (c) and (d)~~ through (e) and as otherwise provided by, ~~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 Chapter 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 division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, and ~~the same~~ as further defined in Section 66424 of the Subdivision Map Act. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. “Subdivision” includes a condominium project, as defined herein or in Section 4125 or 6542 of the Civil Code; a community apartment project, as defined in Section 4105 of the Civil Code; or the conversion of five (5) or more existing dwelling units to a

stock cooperative, as defined in Section 4190 or 6566 of the Civil Code. "Subdivision" includes any division of land by gift, inheritance or court-ordered partitioning.

"Stock cooperative project" shall mean the same as defined in California Civil Code Section 4190. ~~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 community services director ~~city manager or city attorney~~, or their designees, and shall constitute the advisory agency as that term is used in the Subdivision Map Act for actions as prescribed by this Chapter, including, but not limited to, approval, conditional approval, or disapproval of preliminary parcel maps and recommendation to the city council of tentative maps, except in circumstances where the environmental planning commission and community development director are the advisory agency. ~~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~~8 of Division 2, Title 7, of the California Government Code, commencing with Section 66410 thereof.

"Tentative map" shall mean a map showing a subdivision of five (5) or more lots or units, prepared in accordance with the provisions of this Chapter and ~~the same as defined in Section 66424.5 of the Subdivision Map Act~~ and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

"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 Chapter, all terms used in this Chapter which are defined in the Subdivision Map Act or the Davis-Stirling Common-Interest Development Act are used in this Chapter as so defined, unless from the context thereof it clearly appears that a different meaning is intended.

SECTION 3. Chapter 28 (Subdivisions), Article II (Environmental and Planning Findings) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and

deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.2. - Mandatory finding.

No tentative or preliminary parcel ~~or final subdivision~~ map hereunder shall be approved unless the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, Chapter 36 (Zoning) of the city code, and, any ~~or~~ applicable precise plan and the ~~city council~~ approval body or official so finds. Failure of the approval body or official ~~city council~~ to so find shall require disapproval of the proposed map.

SEC. 28.2.05. - Permissive findings.

The ~~city council~~ approval body or official shall deny approval of a tentative or preliminary parcel ~~or final subdivision~~ map if it makes any of the following findings:

a. That the proposed map is not consistent with the general and/or applicable precise plan.

b. That the design or improvement of the proposed subdivision is not consistent with the general plan and/or applicable precise plan.

c. That the site is not physically suitable for the type of development.

d. That the site is not physically suitable for the proposed density of ~~or~~ development.

e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

f. ~~e.~~ That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

g. ~~f.~~ That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the ~~city council~~ approval body or official may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

~~g. That the design and proposed improvements of the subdivision are not consistent with local guidelines relating to implementation of the California Environmental Quality Act of 1970.~~

SEC. 28.2.10. - Repealed. Environmental finding.

~~— The city council shall deny approval of a tentative or final subdivision map if it finds that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.~~

SEC. 28.2.15. - Compliance with tentative map or preliminary parcel map.

The city council approval body or official shall not deny approval of a final subdivision or parcel map pursuant to Article IV ~~Section 28.12.05 or 28.12.10~~ of this ~~c~~Chapter if it has previously approved a tentative or preliminary parcel map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative or preliminary map.

SECTION 4. Chapter 28 (Subdivisions), Article III (Preliminary Parcel Maps, Urban Lot Splits and Tentative Maps), Division 1 (Preliminary Parcel Maps) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

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. 28.3.10. - 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.

SEC. 28.3.15. - Form of preliminary parcel map.

A preliminary parcel map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen (18) inches by twenty-six (26) inches, or twenty-four (24) inches by thirty-six (36) inches if approved by the city engineer, and shall be drawn to a scale of one (1) inch to forty (40) feet (1" = 40') or to a scale large enough to show all details clearly; provided, however, that in the case of a preliminary parcel map relating to very large areas, the community development director may, in addition, require one (1) map of lesser scale depicting the entire area. The form of the preliminary parcel map shall adhere to the written requirements of the city engineer.

SEC. 28.3.20. - Content.

a. The preliminary parcel map shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The name or designation.
2. The north point, scale and description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements, whether public or private, and whether for roads, drainage, sewage, public utilities, bikeways or any other purpose.
7. A number or letter for each lot.
8. The approximate lot layout and approximate dimensions of each lot.
9. The present and proposed location and outline to scale of any existing buildings to remain on the property.
10. The proposed use of the property.
11. The public areas proposed for parks, playgrounds, open space and like uses.

12. The proposed method of sewerage and sewage disposal.
 13. The names of adjoining property owners.
 14. The location of existing utility poles and anchors.
 15. Existing contours and any proposed modification to the grading of the land.
 16. The size and species of all existing trees and designation of each tree as heritage or non-heritage in accordance with the definitions and measurements as outlined in Section 32.23 (Definitions) of Article II (Protection of the Urban Forest) of Chapter 32 (Trees, Shrubs and Plants).
 17. The locations and names of streams, creeks or water courses within one hundred (100) feet of the property.
 18. FEMA special flood hazard zone designation for the area where the property is located.
 19. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.
- b. In the event it is impossible or impracticable to place upon the preliminary parcel map any information hereinabove required, such information shall be furnished in a written statement which shall be submitted with the said map. Additionally, written statements shall be submitted with the preliminary parcel map containing the following information:
1. A copy of any and all existing and proposed restrictive covenants.
 2. Reasons purporting to justify any departure from the terms of this ~~e~~Chapter.

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

Except for those projects subject to administrative approval pursuant to city code Section 36.44.75 (Administrative approval for qualifying housing developments subject to Public Resources Code Section 21080.66) and Article XV (Administrative Review of Preliminary Parcel Maps and Tentative Subdivision Maps), all preliminary parcel maps shall be reviewed and approved in accordance with the procedures described in this Section.

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.

For development applications requiring city council review pursuant to Chapter 36 (Zoning) of the city code, the review and decision procedures for tentative maps in Section 28.5.20 shall apply.

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.

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 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 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. Any preliminary parcel 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 5. Chapter 28 (Subdivisions), Article III (Preliminary Parcel Maps, Urban Lot Splits and Tentative Maps), Division 2 (Urban Lot Splits), Section 28.4.15 (Content) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.4.15. - Content.

a. The preliminary parcel map for an urban lot split shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The name or designation.
2. The north point, scale and description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements whether public or private and whether for roads, drainage, sewage, public utilities, bikeways or any other purpose.
7. A number or letter for each lot.
8. The approximate lot layout and approximate dimensions of each lot.
9. The present and proposed location and outline to scale of any existing buildings to remain on the property.
10. The proposed use of the property.
11. The footprint and type of all residential dwelling units that are to be demolished, to remain or proposed.
12. The proposed method of sewerage and sewage disposal.
13. The names of adjoining property owners.
14. The location of existing utility poles and anchors.
15. Existing contours and any proposed modification to the grading of the land.

16. The size and species of all existing trees and designation of each tree as heritage or non-heritage in accordance with the definitions and measurements as outlined in Section 32.23 (Definitions) of Article II (Protection of the Urban Forest) of Chapter 32 (Trees, Shrubs and Plants).

17. The locations and names of streams, creeks or water courses within one hundred (100) feet of the property.

18. FEMA special flood hazard zone designation for the area where the property is located.

19. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.

b. Additionally, written statements shall be submitted with the preliminary parcel map for an urban lot split containing the following information:

1. Signed affidavit stating that the applicant intends to occupy one (1) of the units as their primary residence for at least three (3) years, unless the applicant is a community land trust or a qualified nonprofit corporation as described in the California Government Code.

2. A copy of any and all existing and proposed restrictive covenants.

3. Reasons purporting to justify any departure from the terms of this ~~e~~Chapter.

SECTION 6. Chapter 28 (Subdivisions), Article III (Preliminary Parcel Maps, Urban Lot Splits and Tentative Maps), Division 3 (Tentative Maps) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.5. - Filing.

One (1) electronic copy 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. The community development director shall stamp or write on each copy of said tentative map the date of receipt thereof ~~and shall return one (1) copy to the person filing said map.~~

SEC. 28.5.05. - Filing fee.

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

SEC. 28.5.10. - Form of tentative map.

A tentative map shall be prepared by a licensed surveyor or registered civil engineer. It shall be eighteen (18) inches by twenty-six (26) inches, or twenty-four (24) inches by thirty-six (36) inches if approved by the city engineer, and shall be drawn to a scale of one (1) inch to one hundred (100) feet (1" = 100') or to a scale large enough to show all details clearly; provided, however, that in the case of tentative maps relating to very large tracts, the community development director, in addition, may require one (1) map of lesser scale depicting the entire tract.

SEC. 28.5.15. - Content.

a. The tentative map shall contain the following information, at a minimum. The city engineer may require additional information if deemed necessary to review the proposed subdivision:

1. The tract number, name or designation.
2. The north point, scale and a description sufficient to locate the property on the ground.
3. The names and addresses of the record owners, the subdividers and the registered civil engineer or licensed surveyor who prepared the map.
4. The locations, names and present widths of all nearby highways, streets and ways.
5. The approximate radius length and interior angles of all curves.
6. The widths and approximate locations of all existing or proposed easements, whether public or private, and whether for roads, drainage, sewage, public utilities, bikeways or any other purposes.
7. A number or letter for each lot.
8. The approximate lot layout and approximate dimensions of each lot.
9. The present and proposed location and outline to scale of any existing buildings to remain on the property.
10. The proposed use of the property.
11. The public areas proposed for parks, playgrounds, open space and like uses.

12. The proposed method of sewerage and sewage disposal.
13. The names of adjoining property owners.
14. The location of existing utility poles and anchors.
15. The size and species of all existing trees and designation of each tree as heritage or non-heritage in accordance with the definitions and measurements as outlined in Section 32.23 (Definitions) of Article II (Protection of the Urban Forest) of Chapter 32 (Trees, Shrubs and Plants).
16. The locations and names of streams, creeks or water course within one hundred (100) feet of the property.
17. FEMA special flood hazard zone designation for the area where the property is located.
18. Whether the property is or is not within a zone of required investigation pursuant to the State Seismic Hazard Mapping Act and the official Seismic Hazard Zone Maps for Mountain View.
19. Whether phased or multiple final maps will be filed on the tentative map.
 - b. In the event it is impossible or impracticable to place upon the tentative map any information hereinabove required, such information shall be furnished in a written statement which shall be submitted with said map. In addition to the above, the following information shall be submitted with the tentative map:
 1. A grading plan showing existing and proposed grades and the method of disposing of storm waters.
 2. A copy of any and all existing and proposed restrictive covenants.
 3. Reasons purporting to justify any departures from the terms of this ~~e~~Chapter.

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

Except for those projects subject to administrative approval pursuant to city code Section 36.44.75 (Administrative approval for qualifying housing developments subject to Public Resources Code Section 21080.66) and Article XV (Administrative Review of Preliminary Parcel Maps and Tentative Subdivision Maps), all tentative maps shall be reviewed and approved in accordance with the procedures in this Section.

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. In lieu of a separate subdivision committee hearing, the subdivision committee shall refer to the environmental planning commission any subdivision map associated with any development application requiring an environmental planning commission recommendation.

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 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 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 Section shall preclude the city from providing additional notice by other means, nor shall the requirements of this 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 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.** Except as otherwise provided by Section 66452.6 of the Subdivision Map Act, a ~~An approved~~ tentative map shall expire twenty-four (24) months after the date of 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 7. Chapter 28 (Subdivisions), Article IV (Parcel Maps and Final Maps), Division 2 (Final Maps), Section 28.7.25 (Approval and recording of the final map) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.7.25. - Approval and recording of the final map.

The final map shall be processed by the city in the following manner:

a. **City engineer.** Upon receipt of the final map, which must bear the signature of the surveyor or engineer and of all owner or owners, the city engineer shall check it as to correctness of surveying data, certificates of dedication and such other matters as require checking to assure compliance with the provisions of law and of this ~~e~~Chapter. If the final map is in the correct form prescribed by this ~~e~~Chapter and the Subdivision Map Act and the matters shown thereon are

sufficient and all conditions of approval have been completed to the satisfaction of the city engineer, the city engineer shall complete the city engineer's certificate in the form prescribed by the Subdivision Map Act. The city engineer shall thereupon present the said map, together with the said other materials, to the city council for their acceptance.

The date the map shall be deemed filed with the city council is the date of the meeting at which the city council receives the map.

b. **City council.** The city council shall, at the meeting at which it receives the map, or at its next regular meeting after the meeting at which it receives the map, approve said map if the same ~~conforms to all~~ is in substantial compliance with the tentative map and satisfies the requirements of this ~~Chapter~~ and the Subdivision Map Act applicable at the time of approval of the tentative map and any rulings made thereunder. The city council shall, at that time, also accept, accept subject to improvements or reject any and all offers of dedications of land for public use.

After the map has been recorded, the subdivider shall provide the city engineer with one (1) electronic copy and one (1) duplicate tracing of each sheet on a material approved by the city engineer. If the map is disapproved by the city council, it shall be returned with the reasons for such disapproval to the city engineer, who shall return the same to the subdivider.

SECTION 8. Chapter 28 (Subdivisions), Article V (Design Standards), Division 1 (General), Section 28.8 (Applicability) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.8. - Applicability.

Unless otherwise proposed by the subdivider and approved by the ~~subdivision committee or the city council~~ approval body or official, streets within a division of land shall be subject to the following regulations.

SECTION 9. Chapter 28 (Subdivisions), Article V (Design Standards), Division 1 (General), Section 28.8.20 (Street width) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.8.20. - Street width.

The right-of-way width of any street or thoroughfare shall be as provided in Article V of Chapter 27 of the Mountain View City Code, being the street improvement standards ordinance of the city, or such width and alignment as shown on any street plans or precise plan of streets

adopted by resolution of the city council. The minimum standard street right-of-way width shall be at least sixty (60) feet. In such cases as special circumstances may warrant, the ~~subdivision committee or the city council~~ approval body or official may authorize a street of lesser right-of-way width, but not less than fifty (50) feet, unless a further reduction in right-of-way width is authorized as an integral part of a planned unit development and established pursuant to the provisions of Chapter 36 of ~~Code of the City of Mountain View~~ City Code.

SECTION 10. Chapter 28 (Subdivisions), Article V (Design Standards), Division 2 (Utilities), Section 28.9 (Utilities) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.9. - Utilities.

Unless otherwise proposed by the subdivider and approved by the ~~subdivision committee or the city council~~ approval body or official, utilities within a division of land shall be subject to the following provisions.

SECTION 11. Chapter 28 (Subdivisions), Article VII (Residential Condominium Conversions) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.12. - Purpose.

The conversion of residential rental units to ownership housing impacts the supply and availability of rental housing and may cause displacement of residents, who may be required to move from the community due to lack of replacement housing. A reduction in the supply of rental housing creates pressure for higher rents in the remaining rental housing supply. Conversions may sometimes, however, provide home ownership opportunities that are more affordable when compared to new home construction.

It is the purpose of this ~~a~~Article to seek to assure a reasonable balance of rental and ownership housing and a variety of individual choices of type, price and location of housing and to maintain the supply of rental housing for low- and moderate-income persons and families and to maintain the flexibility and redevelopment potential of the city's residential areas in substantial compliance with the city's general plan. This article is intended to ensure compliance with and implement the Conversion Limitation Act, adopted by the voters on November 6, 1979.

SEC. 28.12.05. - Applicability.

In addition to all other requirements of the Subdivision Map Act, the provisions of Chapter 28 of the Mountain View City Code and this ~~a~~Article shall apply to the conversion of any existing structure or structures to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common in the City of Mountain View. The provisions of this ~~a~~Article are enacted pursuant to the provisions of Section 200 of the Charter of the City of Mountain View and of the Subdivision Map Act.

SEC. 28.12.10. - Permit.

In addition to filing a tentative map or preliminary parcel map required for condominium conversion projects pursuant to Section 28.11.05 of Article VI, a development review permit in accordance with Section ~~36.52~~44.45 or a planned community permit in accordance with Section ~~36.68~~50.30 of Chapter 36 of the Mountain View City Code shall be required for condominium conversions. Permit applications shall be processed pursuant to Section 28.12.20.

a. No permit application for residential condominium conversion shall be accepted, and no permit will be issued unless a preliminary determination has been made by the community development director that the application meets the requirements of Article IX of Chapter 28, the Conversion Limitation Act. If the community development director so determines, the application may be processed; however, the determination of eligibility shall not be final until approved by the city council. Conversions, demolitions and apartments/rentals with maps shall be counted in determining compliance with the Conversion Limitation Act.

b. No tentative map or preliminary parcel map for condominium conversions shall be filed and no tentative or preliminary map shall be approved without the approval of a permit application under this ~~s~~Section.

c. **Exclusions.** No conversion of units may be applied for or approved unless the units are all of the same housing type (e.g., not mixed types of units), were constructed as an integrated project, and built as either apartments or townhouses. Complexes which have a mixed unit type or are of soft-story construction are not eligible for conversion to condominiums. Duplex units to six (6) plex units constructed in a single structure are not eligible for conversion unless located in a historic resource.

SEC. 28.12.15. - Tenant noticing requirements.

a. **Notice to existing tenants.** The subdivider or owner of an apartment building or residential complex proposed to be converted to a condominium, stock cooperative, community apartment project, common green subdivision and tenancy-in-common shall give to each tenant of the residential real property proposed for conversion the following notices and rights now or hereafter required by the Subdivision Map Act and as set forth in Section 66427.1 of said Act:

1. Written notice of intention to convert, provided at least sixty (60) days prior to the filing of a tentative map or preliminary parcel map. The notice shall be in a form outlined in Section 66452.18(b) of the Subdivision Map Act.

2. Written notice ten (10) days before submittal that an application for a public report will be, or has been, submitted to the department of real estate, that the period for each tenant's right to purchase begins with the issuance of the final public report and that the report will be available on request.

3. Written notice that the subdivider has received the public report from the department of real estate. This notice shall be provided within five (5) days after the date the subdivider receives the public report.

4. Written notice within ten (10) days after approval of a parcel map or final map for the proposed conversion.

5. Written notice of intent to convert provided one hundred eighty (180) days prior to termination of tenancy due to the conversion but not before the city has approved a preliminary parcel map or a tentative map for the conversion. The notice given shall not alter or abridge the rights or obligations of the parties in the performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the California Civil Code. The notice shall be in a form outlined in Section 66452.19(b) of the Subdivision Map Act.

6. Written notice of an exclusive right to contract for the purchase of their respective dwelling unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant. The notice shall be given within five (5) days after receipt of the subdivision public report. This exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions Code, and shall run for a period of not less than ninety (90) days, unless the tenant gives prior written notice of their intention not to exercise the right. The notice shall be in a form outlined in Section 66452.20 (b) of the Subdivision Map Act.

7. All other applicable notices and rights now or hereafter required by this ~~Chapter~~ Chapter, or Chapter 2 or 3 of the Subdivision Map Act.

b. **Notice to prospective tenants.** Commencing at a date not less than sixty (60) days prior to the filing of a tentative map or preliminary parcel map, the subdivider or their agent shall give notice of the filing to each person applying after that date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider in accordance with Section 66452.17 of the Subdivision Map Act. The notice shall be in a form outlined in Section 66452.17(b) of the Subdivision Map Act.

c. **Keeping of records.** The subdivider or owner shall be required to keep a copy of all notices required by Section 28.12.15 for a period of two (2) years after such notices were personally delivered or mailed, such records to include:

1. A copy of each notice showing the date on which it was delivered or mailed; and
2. Proof of the giving of the notice, consisting of:

(a) If delivered, the signature of the person to whom it was delivered acknowledging such delivery; or

(b) If mailed, proof of mailing, and, in the case of the notice of intention to convert pursuant to Section 28.12.15(a)(1), the return receipt if a receipt was returned by the recipient of such notice.

SEC. 28.12.20. - Process.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with this ~~e~~Chapter and the Subdivision Map Act, permit applications for condominium conversions shall be reviewed and processed in accordance with this ~~a~~Article and with Section ~~A36.52~~44.45 (Development ~~R~~review process), Section ~~A36.68~~50.30 (Planned ~~C~~community ~~P~~ermits) and Section ~~A36.50-020~~44.10 (Review ~~A~~uthority) of Chapter 36 of the Mountain View City Code.

a. **Development review required.** The zoning administrator shall hold a public hearing on the development review application in accordance with Section ~~A36.56~~80 (Applications, ~~H~~hearings and ~~A~~appeal(s)) of Chapter 36 of the Mountain View City Code and will provide a written recommendation to the city council for final action on the development review application. The zoning administrator may conduct design review pursuant to Section 36.44.20 (Design review), ~~route the proposal to the development review committee~~ if exterior improvements are proposed or deemed necessary.

b. **Notice of city council meeting to consider tentative map.** Following the date the city council fixes a meeting date for consideration of a tentative map, or the date the subdivision committee fixes a meeting date for consideration of a preliminary parcel map, which proposes the conversion of residential real property to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common, but not less than ten (10) days prior to the said date for consideration, the community development director shall give a written notice to each tenant of the subject property informing said tenant of the date, time and place of the city council's or subdivision committee's consideration of the tentative map and the tenant's right to appear and be heard pursuant to Section 66451.3 of the Subdivision Map Act.

1. **Council meeting staff report to tenants.** Additionally, a copy of any staff report or recommendation on a tentative map or a preliminary parcel map relating to the proposed

residential condominium conversion shall be served on the subdivider and on each tenant of the subject property at least three (3) days prior to any hearing or action on said map by the city council or the subdivision committee, respectively, pursuant to Section 66452.3 of the Subdivision Map Act.

c. **Buyer and tenant protection requirements for conversion.** In addition to the buyer protection provisions in Article VI, Section 28.11.05.1, conversion of residential real property to condominiums, stock cooperatives, community apartment projects, common green subdivisions and tenancies-in-common shall comply with the following requirements as additional protections to purchasers of individual units:

1. **Condition of improvements report required.** A report entitled "Condition of Improvements Report" shall be prepared and certified by a licensed engineer or architect subject to approval by the city's chief building official. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with subsection 28.12.30.g. The report, which shall be approved as to content by the chief building official prior to being distributed, shall set forth the consultant's best available information on the age and condition of the building or buildings proposed to be converted, including the estimated remaining life of the roof, foundation and mechanical, electrical, plumbing and structural elements of the building or buildings. The report shall further indicate those provisions of previously adopted city building and fire codes involving health and life safety items which have been changed since the date the building or buildings being converted were constructed, plus identify present building or fire code requirements which are not met. If a prospective purchaser is not a tenant of the apartment building or residential complex at the time the conversion map is filed with the city, the owner shall furnish a copy of said report to each such prospective purchaser prior to the time such person incurs the obligation to purchase a unit. If a prospective purchaser is a tenant of the apartment building or residential complex at the time the conversion map is filed with the city, the owner shall furnish the report to such person at that point in time when such person is given the ninety (90) day exclusive right to purchase their unit.

2. **Structural pest report required.** A report entitled "Structural Pest Report" shall be prepared and certified by a person, entity or corporation selected by the city's chief building official and licensed by the State of California as a structural pest control operator subject to approval by the city's chief building official. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with subsection 28.12.30.g. This report shall also be furnished to prospective purchasers of each converted unit at those points in time mentioned in subsection 28.12.20.c.1, depending on whether such prospective purchaser is or is not a tenant of the apartment building or residential complex at the time the conversion map is filed with the city.

3. **Building inspection report required.** A detailed building inspection and report shall be made by or at the direction of the chief building official, at the subdivider's or owner's

expense, of all buildings or structures proposed for conversion, and the report shall determine and identify any housing code violations, other code violations or other deficiencies involving a threat to life or property which must be corrected as a condition of approval of the tentative map or preliminary parcel map.

4. **Building and appliance warranty required.** Each purchaser shall be granted by the subdivider or owner a one (1) year warranty on all appliances installed in their unit and to the homeowners association, and all purchasers of individual units shall be granted a one (1) year warranty on all structures in the project and on all electrical, heating, air conditioning, plumbing, ventilation equipment, roofing and elevators.

d. **Temporary housing required for tenant displaced due to renovation.** As to any tenant or renter of an apartment unit or dwelling unit within a residential complex at the time a tentative map or preliminary parcel map for a conversion of that building or structure is filed with the city, who enters into a written agreement with the owner to purchase the dwelling unit once it has been converted, and who is thereafter required to temporarily vacate or is temporarily displaced from said apartment or residential unit because the subdivider or owner is renovating or effecting certain structural modification to comply with the city's requirements, the owner shall be responsible for:

1. Finding suitable, temporary replacement housing for such tenant and, if the monthly rent is higher for the replacement housing than for the apartment or dwelling unit being vacated, paying the difference in such monthly rent; and

2. Paying such tenant's actual moving expenses in temporarily moving from the said apartment or dwelling unit and moving back into the unit when the renovation or structural modifications have been completed and approved by the city.

e. **Additional tenant relocation assistance required.** The city's most current tenant relocation assistance policy shall apply to all tenants who have not entered into a written agreement with the owner to purchase the dwelling unit once it has been converted.

SEC. 28.12.25. - Required city council findings for approval; grounds for denial.

a. **Required city council findings for approval.** The city council shall not approve any project for the conversion of any existing structure or structures to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common unless it makes the following findings and determinations:

1. That the proposed conversion is consistent with the longer-range goals of the general plan, the zoning district and any precise plan, and that the conversion does not conflict with the amortization or sunseting of the allowed use of the building sought to be converted.

2. That the proposed conversion would not adversely and seriously disrupt the effective operation or functioning of nearby schools or other community facilities.

3. That the apartment building or residential complex proposed for conversion does not represent a unique and needed housing resource in the city or in the neighborhood, taking into consideration such factors as the need for a balanced rental-owner housing supply, current rental rates, apparent appeal to families with children and special tenant displacement problems which would result from the conversion.

4. That any proposed condominium conversion has complied with the city's most current tenant relocation policy.

5. That any proposed condominium conversion has met all noticing requirements as outlined in Articles VI and VII.

b. **Mandatory grounds for denial.** In addition to those grounds for denying a final map or parcel map which are set forth in Sections 66473.5 and 66474 of the Subdivision Map Act and in Article IV (Parcel Maps and Final Maps) of this ~~e~~Chapter, the city council shall not approve a final map, or the city engineer approve a parcel map, for a subdivision to be created from the conversion of residential real property into a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common unless it is found as follows:

1. Each tenant of the residential real property has received or will have received each of the notices and rights pursuant to subsection 28.12.15.a. of this ~~a~~Article and as now or hereafter required by Chapter 2 and Chapter 3 of the Subdivision Map Act.

2. Each person applying for the rental of a unit in the residential real property has received or will have received the notice and rights pursuant to subsection 28.12.15.b. of this ~~a~~Article and as now or hereafter required by Chapter 2 and Chapter 3 of the Subdivision Map Act.

c. **Permissive grounds for denial.** In addition to the grounds for denial set forth in this ~~e~~Chapter and the State Subdivision Map Act, an application for approval of a tentative map or preliminary parcel map for the conversion of residential rental units to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common may be denied on the ground that either:

1. The proposed project, because of its physical characteristics, lot size, configuration, site design or building condition, is not suitable for conversion to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common.

2. The proposed project, because of its physical characteristics, lot size, configuration, site design or building condition, is not suitable for families with children.

3. The proposed project contains fewer than sixteen (16) units and is not suitable for conversion due to its size, amenities, ingress, egress or ability to maintain itself.

SEC. 28.12.30. - Design and safety standards for conversions.

The design, improvement and construction to convert an existing apartment building or residential complex to a condominium, stock cooperative, community apartment project, common green subdivision or tenancy-in-common shall comply with design standards in Section 28.11.15, except as modified in this section, and with the following design and safety standards:

a. **Codes, ordinances and regulations.** All building and fire codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of construction of such structure shall, in addition, conform to and be in accordance with the standards set forth in this ~~s~~Section, or most recent standards as adopted by the city council, in effect at the time of filing of the tentative map or preliminary parcel map for such conversion.

b. **Zoning provisions.** Current residential zoning ordinance standards for density, floor area ratio, building setback, open space, parking and circulation.

c. **Minor exceptions considered.** Minor exceptions to current residential zoning ordinance standards shall be considered for up to ten (10) percent for building setback and fifteen (15) percent open space requirements only.

d. **Special features may be required.** The design and improvement of any such conversion may also be required to incorporate special design features and amenities (i.e., useable open space, children's play areas and similar physical improvements) as conditions of approval of said map.

e. **Building, seismic, fire and housing codes compliance; facility and site improvement requirements.**

1. Seismic safety pursuant to any of the following standards: the currently enacted and effective editions of the~~2007~~ California Building Code, ~~2006 International Existing Building Code~~, Seismic Rehabilitation of Existing Buildings (ASCE 41-06) or an equivalent procedure approved by the chief building official and updated and amended versions of said codes.

2. California Building Standards; Title 24—Energy Standards.

3. Fire-Life Safety and Habitability Standards pursuant to the currently enacted and effective editions of the~~2007~~ California Building Code, ~~2007~~ California Plumbing Code, ~~2007~~ California Mechanical Code, and ~~2005 National Electrical Code and updated and amended versions of said codes.~~

4. The currently enacted and effective edition of the 2007 California Fire Code and updated and amended versions of said code.

5. ~~Article IX of Chapter 8~~ 48 of the Mountain View City Code (~~Drainage and Floodplain Management Control~~), ~~Section 8.160, et seq.~~

6. Separate utility services shall be provided to each building and to each unit unless the public works director determines that such separate utility services are both not desirable and not feasible. If separate utility services are not provided, the homeowners association, or similar organization, shall be primarily liable for all city utility billings, and the owners of individual residential buildings and units shall jointly and severally be secondarily liable for all city utility billings, and security for payment of utility billings shall be provided as set forth in Section 35.38.c.

f. **Written report on improvements and compliance required.** An independent consultant approved by the chief building official shall prepare a written report, with appropriate itemized cost estimates, on all improvements necessary to make the development comply with subsection 28.12.30.e.1. ~~—~~ through e.6. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with Item g. of this ~~s~~Section. Minor nonsafety or structural deviations from strict compliance with the design and safety standards may be approved at the discretion of the chief building official or the public works director as appropriate.

g. **Fee for city services.** Fees for the review and evaluation services and other related expenses incurred and performed by city staff shall be an amount (based on an hourly rate) established by city council resolution.

SECTION 12. Chapter 28 (Subdivisions), Article VIII (Commercial and Industrial Condominium Conversions) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 28.13. - Purpose.

The conversion of commercial and industrial buildings into smaller ownership units likewise creates impacts to the city's available business space, including reducing the flexibility and utility of that space by creating multiple ownerships on one (1) parcel that was originally designed to function and be available for a wide variety and size of uses. Multiple ownerships can create significant conflicts among users, leading to the deterioration of the property and secondary safety and aesthetic issues to neighboring properties. The maintenance of flexibility and utility in

the commercial and industrial base is critical to the economic viability of the City of Mountain View as well as the economic viability of our region.

It is the purpose of this ~~a~~Article to seek to assure a reasonable balance of rental and ownership industrial and commercial units and a variety of individual choices of tenure, type, price and location of available business space and to maintain the supply of available business space and to maintain the flexibility and redevelopment potential of the city's key industrial and commercial areas in substantial compliance with the city's general plan.

SEC. 28.13.05. - Applicability.

In addition to all other requirements of the Subdivision Map Act, the provisions of this ~~e~~Chapter shall apply to the conversion of commercial, industrial or any nonresidential space in an existing building or buildings to condominium in the City of Mountain View. The provisions of this ~~a~~Article are enacted pursuant to the provisions of Section 200 of the Charter of the City of Mountain View and of the Subdivision Map Act.

SEC. 28.13.10. - Permit.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with Chapter 28 of the Mountain View City Code and the Subdivision Map Act, a development review permit in accordance with Section 36.52~~44.45~~ or a planned community permit in accordance with Section 36.68~~50.30~~ of this Code shall be required for the conversion of commercial, industrial or any nonresidential space in an existing building or buildings to condominiums. Permit applications shall be processed pursuant to Section 28.13.20.

a. No permit application for the conversion of commercial and industrial building or buildings to condominium shall be processed unless a preliminary determination has been made by the community development director that the use, as zoned, is consistent with current zoning and is consistent with any interim moratorium for a zoning or use or structure amortization. This preliminary determination by the community development director may allow the application to be processed; however, the final action under this ~~s~~Section shall be made through the public hearing process and ultimately by the city council.

b. No tentative map or preliminary parcel map for the conversion of commercial and industrial building or buildings to condominium shall be filed without a permit application under this ~~s~~Section.

SEC. 28.13.15. - Tenant noticing requirement.

The subdivider or owner of an existing commercial or industrial building or buildings proposed for conversion to a condominium shall give to each tenant of the property a written notice of intention to convert provided at least sixty (60) days prior to the filing of a tentative map or preliminary parcel map in accordance with subsection 28.12.15.a.1. The owner shall also

give written notice to each prospective tenant in accordance with Section 28.12.15.b. and shall keep records of all noticing in accordance with subsection 28.12.15.c.

SEC. 28.13.20. - Process.

In conjunction with processing tentative maps or preliminary parcel maps in accordance with this ~~e~~Chapter and the Subdivision Map Act, permit applications for the conversion of existing commercial and industrial building or buildings to condominium shall be reviewed and processed in accordance with Section 36.52~~44.45~~ (Development ~~R~~review ~~process~~), Section 36.68~~55.30~~ (Planned ~~C~~community ~~P~~permits) and Section 36.50.020~~44.10~~ (Review ~~A~~authority) of this Code and with current commercial and industrial zoning standards.

a. **Development review required.** The zoning administrator shall hold a public hearing on the development review application in accordance with Section 36.80~~56~~ (Applications, ~~H~~hearings and ~~A~~appeal(s)) of Chapter 36 of the Mountain View City Code and will provide a written recommendation to the city council for final action on the development review application. The zoning administrator may conduct design review pursuant to Section 36.44.20 (Design review), ~~route the proposal to the development review committee~~ if exterior improvements are proposed or deemed necessary.

b. In addition to complying with zoning ordinance provisions, permit processing for commercial and industrial condominium conversions shall also comply with the following, except that any reference to apartment building or projects and residential complex shall be replaced with the term “commercial or industrial building(s)” and the terms stock cooperative, community apartment project, common green subdivision or tenancy-in-common shall not apply:

1. Buyer protection provisions in Article VI, Section 28.11.05.1, ~~S~~subsections a. and f. pertaining to covenants, conditions and restrictions (CC&Rs); ~~S~~subsection c. pertaining to nondiscrimination in the terms and conditions of sale of any units; and ~~S~~subsection e. pertaining to furnishing required information by the subdivider or owner to each purchaser of any units.

2. Notice of city council or subdivision committee meeting to consider tentative map or preliminary parcel map in Article VII, subsection 28.12.20.b.

3. Buyer and tenant protection requirements for conversion in Article VII, subsection 28.12.20.c.1. through c.4.

SEC. 28.13.25. - Required city council findings for approval; grounds for denial.

a. **Required city council findings for approval.** The city council shall not approve any project for the conversion of any existing commercial or industrial building or buildings to a condominium unless it makes the following findings and determinations:

1. That the proposed conversion of commercial and industrial buildings into smaller ownership units is consistent with the longer-range goals of the general plan, the zoning district and any precise plan and that the conversion does not conflict with the amortization or sunset of the allowed use of the building sought to be converted.

2. That the proposed conversion would not adversely and irreversibly reduce the flexibility and utility of the existing commercial or industrial space by creating multiple ownerships on one (1) parcel that was originally designed to function under a single ownership and be available for a wide variety and size of uses.

3. That the flexibility and redevelopment potential of the city's key industrial and commercial areas in substantial compliance with the city's general plan would not be adversely impacted by the proposed conversion.

4. That a reasonable balance of rental and ownership industrial and commercial units and a variety of individual choices of tenure, type, price and location of available business space would be maintained with the proposed conversion.

5. That the supply of available business space and the flexibility and utility in the commercial and industrial base critical to the economic viability of the City of Mountain View as well as the economic viability of our region would not be adversely impacted by the proposed conversion.

6. That the conversion of a complex into individual ownerships will present no risk that the complex will result in conflicts between uses, parking, storage, etc.

7. That any proposed condominium conversion has met all noticing requirements as outlined in Articles VI, VII and VIII.

b. **Mandatory grounds for denial.** In addition to those grounds for denying a final map or parcel map which are set forth in Sections 66473.5 and 66474 of the Subdivision Map Act, in Article IV (Parcel Maps and Final Maps) of this ~~e~~Chapter and in this ~~a~~Article, the city council shall not approve a final map, or the city engineer approve a parcel map, for a subdivision to be created from the conversion of commercial or industrial real property into a condominium unless it is found that all of the building(s) on the property comply with applicable zoning and use regulations and that each of the tenants of the nonresidential real property proposed for conversion has received or will have received each of the notices in accordance with Section 28.13.15.

SEC. 28.13.30. Design and safety standards for conversions.

The design, improvement and construction to convert an existing commercial or industrial building or buildings to a condominium shall comply with design standards in Section 28.11.15, except as modified in this ~~s~~Section, and with the following design and safety standards:

a. **Compliance with codes, ordinances and regulations.** All building and fire codes, zoning provisions and all other applicable local ordinances and regulations in effect at the time of construction of such structure, and shall, in addition, conform to and be in accordance with the standards in this ~~s~~Section, or most recent standards as adopted by the city council, in effect at the time of filing of the tentative map or preliminary parcel map for such conversion.

b. **Compliance with zoning provisions.** Current commercial and industrial zoning ordinance standards for allowable use, floor area ratio, building setback, open space, parking and circulation.

c. **Building, seismic and fire codes compliance; facility and site improvement requirements.**

1. Seismic safety pursuant to any of the following standards: the currently enacted and effective editions of the 2007 California Building Code, ~~2006~~ International Existing Building Code, Seismic Rehabilitation of Existing Buildings (ASCE 41-06) or an equivalent procedure approved by the chief building official and updated and amended versions of said codes.

2. California Building Standards; Title 24—Energy Standards.

3. Fire-Life Safety and Habitability Standards pursuant to the currently enacted and effective editions of the 2007 California Building Code, ~~2007~~ California Plumbing Code, ~~2007~~ California Mechanical Code; and ~~2005~~ National California Electrical Code ~~and updated and amended versions of said codes.~~

4. The currently enacted and effective edition of the 2007 California Fire Code ~~and updated and amended versions of said code.~~

5. ~~Article IX of Chapter 8~~ 48 of the Mountain View City Code (~~Drainage and Flood~~ plain Management Control), Section 8.160, et seq.

6. Separate utility services shall be provided to each building and to each unit unless the public works director determines that such separate utility services are not feasible. If separate utility services are not provided, the homeowners association or similar organization shall be primarily liable for all city utility billings, and the owners of individual buildings and units shall jointly and severally be secondarily liable for all city utility billings, and security for payment of utility billings shall be provided as set forth in subsection 35.38.c.

d. **Written report on improvements and compliance required.** An independent consultant approved by the chief building official shall prepare a written report, with appropriate itemized cost estimates, on all improvements necessary to make the development comply with subsections 28.13.30.c.1.— through c.6. of this ~~an~~Article. The subdivider or owner is solely responsible for all costs associated with preparing this report and shall pay a fee to the city for administering, reviewing and evaluating the report in accordance with item e. of this ~~s~~Section.

Minor nonsafety or structural deviations from strict compliance with the design and safety standards may be approved at the discretion of the chief building official or the public works director as appropriate.

e. **Fee for city review and evaluation services.** Fees for the review and evaluation services and other related expenses incurred and performed by city staff shall be an amount (based on an hourly rate) established by city council resolution.

SECTION 13. Chapter 28 (Subdivisions) of the City Code is hereby amended to add a new Article XV (Administrative Review of Preliminary Parcel Maps and Tentative Maps) as set forth below. Section titles are shown in **bold** font, additions are shown in red underline font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

ARTICLE XV.

ADMINISTRATIVE REVIEW OF PRELIMINARY PARCEL MAPS AND TENTATIVE MAPS.

SEC. 28.20.05. - Purpose and applicability.

Notwithstanding any provision of this Chapter to the contrary, any preliminary parcel map or tentative map associated with a housing development qualifying for administrative approval pursuant to Section 36.44.75 of the Mountain View City Code shall be reviewed administratively and shall be subject only to applicable objective subdivision standards, unless otherwise required by state law. The community development director may approve, conditionally approve or disapprove such a preliminary parcel map or tentative map in consultation with other departments, as necessary, without a hearing unless a hearing is timely requested in writing and received by the community development director pursuant to the noticing procedures of this Article. Any approval, conditional approval or disapproval shall be supported by findings required by the city code and applicable state law. Any such approval, conditional approval or disapproval shall be subject to appeal to the city council in accordance with Section 36.56 (Applications, hearings and appeals) of Chapter 36 of the city code. The city clerk shall be the clerk of the appeal board for purposes of filing an appeal.

SEC. 28.20.10. - Procedure for review and decision of preliminary parcel maps and tentative maps subject to administrative review and approval pursuant to City Code Section 36.44.75.

a. Filing and fees. At the time of filing a preliminary parcel map or tentative map for a housing development pursuant to Section 36.44.75 of the Mountain View City Code, the subdivider or the authorized agent shall pay a filing fee in an amount established by resolution or ordinance of the city council except where a different fee requirement is mandated by state law. Such a preliminary parcel map or tentative map is subject to filing requirements set forth in Article III (Preliminary Parcel Maps and Tentative Maps).

b. Form and content of subdivision map. The form and content of a preliminary parcel map or tentative map for a housing development pursuant to Section 36.44.75 of the Mountain View City Code shall comply with the requirements set forth in Article III (Preliminary Parcel Maps and Tentative Maps) of this Chapter, as applicable.

c. Noticing and hearing procedures. The community development director or designee shall provide a notice to those persons and entities listed in Section 36.56.20 of the city code at the time of making a determination that the application is complete.

1. The notice shall provide a period of not less than fourteen (14) days from the date of the notice to provide written public comment on the project and to request a hearing thereon.

2. Failure of any individual or entity to receive a notice shall not constitute grounds to invalidate the city actions in the absence of evidence showing the notice was mailed to the wrong address.

3. A hearing shall occur only when timely requested in writing by the applicant or other person(s). The director must receive any hearing request within fourteen (14) days of the date of the notice.

4. Upon receipt of a timely submitted request for a hearing, the community development director or designee shall provide a notice specifying the time and location of the hearing to those persons and entities listed in Section 36.56.20 of the city code, not less than fourteen (14) days prior to the hearing.

5. The community development director shall consider all written public comments received, and any written or verbal comments provided at a hearing, if requested, prior to taking final action on a project.

d. Review and approval. Within fifty (50) days after the determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, the community development director, in consultation with the city engineer, shall approve, conditionally approve or disapprove a preliminary parcel map or tentative map for

a housing development pursuant to Section 36.44.75 of the Mountain View City Code, unless the time limit has been extended by mutual consent of the subdivider and the community development director. Any approval, conditional approval or disapproval shall be supported by findings required by applicable provisions of the city code and state law.

e. **Subdivider notification.** Within ten (10) days of the action, the subdivider shall be notified in writing of the action taken.

f. **Appeal.** Decisions made under this section may be appealed to the city council in accordance with Section 36.56 (Applications, hearings and appeals) of Chapter 36 of the city code. The city clerk shall be the clerk of the appeal board for purposes of filing an appeal.

g. **Parcel map or final map.** Following approval of a preliminary parcel map or tentative map for a housing development pursuant to Section 36.44.75 of the Mountain View City Code, the subdivider shall file an application for a parcel map or final map to the city engineer or designee, pursuant to the requirements set forth in Division 1 and 2 of Article IV of this Chapter.

h. **Expiration.** A preliminary parcel map or tentative map approved pursuant to this Article shall expire twenty-four (24) months after its approval unless the expiration date is extended per Article XIV of this Chapter. Any such preliminary parcel map or 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 14. Chapter 41 (Park Land Dedication or Fees In Lieu Thereof), Section 41.11 (Credit) of the Mountain View City Code is hereby amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font, and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

SEC. 41.11. - Credit.

a. Privately owned/publicly accessible (POPA) open space credit.

1. **Credit amount.** Privately owned/publicly accessible (POPA) open space proposed in a residential or mixed-use residential development that meets the eligibility requirements set forth herein may receive a credit up to seventy-five (75) percent of the value of the land devoted to the POPA open space against the land dedication or fees in-lieu thereof required by this ~~e~~Chapter.

2. **Eligibility criteria.** To be eligible for POPA open space credit, the POPA open space must meet either the general requirements set forth in subsection (a) or the alternate proposal requirements set forth in subsection (b).

(a) **General requirements.**

(i) A minimum size of 0.4 acre or, if the residential development is located within a precise plan or master plan with identified open space, the minimum size of the identified open space in the precise plan or master plan.

(ii) The space shall conform with the provisions of the parks, open space and community facilities chapter of the general plan and provisions of the ~~parks and open space plan~~ Parks and Recreation Strategic Plan.

(iii) The POPA open space shall be located with frontage of a public street(s) or with a prominent and highly visible entrance easily accessible to the public and, in all cases, have minimum dimensions of one hundred (100) feet on all sides.

(iv) The POPA open space complies with the city's guidelines for hydration stations and restroom buildings in city parks.

(v) The POPA open space will include a sign(s) with notification of the area as public open space and posted hours, name and contact information for maintenance. The sign shall be reviewed and approved through a sign permit pursuant to Chapter 36 of the ~~City~~ Code.

(vi) **Required elements.** The entirety of the POPA open space shall consist of any combination of elements, but not less than one (1) element, meeting the minimum requirements as defined in Table 41.11. The selected elements must be supported by the required analyses as set forth in subsection d.2.(b), Process.

Table 41.11 Open Space Credit Elements	
Element	Minimum Requirements
Open, usable field	Must be level, with proper irrigation and water amenities to support active field recreation. Minimum total area of 0.3 acre with a minimum dimension of sixty (60) feet on all sides of the element.
Dog park	Have separate areas for large dogs and small dogs. Adequate amenities such as bag dispensers and dog-friendly hydration stations. Minimum total area of 0.25 acre for the dog park with a minimum dimension of sixty (60) feet on all sides of the element.
Game courts	Must contain at least one (1) full game court that meets the standards of the professional association for the type of activity proposed.
Playgrounds	Must have at least two (2) structures (climbable apparatus): one (1) for tots (ages two (2) to five (5)) and one (1) for youth (ages five (5) to twelve (12)) populations.
Picnic area	Must be able to sit at least fifteen (15) individuals and have one (1) barbecue for every two (2) tables. Must be distinguishable from other elements in the open space.
Exercise area	Must be able to support ten (10) people using equipment at the same time and include ADA-accessible equipment.
Park trail	Must be a designated, multi-use, class 1 trail as listed in the Caltrans Highway Design Manual—Bikeway Designations for the entire length of the proposed trail. The trail must provide a clear and direct path, with appropriate signage, through the project site, connecting any of the following: - Existing or planned public facilities (e.g., public buildings, transit stops and centers, schools, parks, etc.). - Expand, or allow for future expansion of, the existing city park trail network (e.g., Stevens Creek, Permanente Creek, Whisman T.O.D., Hetch Hetchy, and Bay Trails). Provides more than a public trailhead or crossing. - A new connection that expands an identified network in the city's bicycle transportation and pedestrian master plans to a major public facility or major public street, or significantly reduces the time or length of travel by providing an alternative connection from an identified network in the adopted bicycle transportation and pedestrian master plans.

Maintained natural habitat space	- The element must be planted (existing or new) to provide an estimated sixty-five (65) percent to seventy-five (75) percent tree canopy coverage within five (5) years of construction completion. - All <u>trees</u>, foliage and plants should be California native species or approved by the forestry and roadways manager <u>plantings shall adhere to the Biodiversity and Urban Forest Plan, including its guidelines and tree/plant recommendations, and/or be otherwise approved by the Urban Forest Manager.</u> - Area must provide seating for a minimum of ten (10) people. - Area shall be landscaped and maintained to be traversed by all population demographics. - If applicable, include informational or educational signage about native landscape and plants within the element.
Alternate element	- An applicant may submit a request to include one (1) alternate element in the POPA open space not listed in this Table 41.11. - Must similarly serve the public as the elements set forth in this Table 41.11.

(vii) **Exclusion from credit.**

1.) Yards, court areas, setbacks, decorative landscape areas, bike and pedestrian paths; and other open areas required with residential site design by a precise plan, master plan or zoning code shall be excluded from the credit computation of POPA open space.

2.) Irregularly shaped land with limited utility, accessibility or topographic conditions that are unsuitable for elements described in Table 41.11 shall not be eligible for credit.

(b) An alternate proposal is a unique, high-quality open space proposal that may not otherwise be achieved through the general requirements in subsection (a).

An applicant alternate proposal may be eligible for a POPA open space credit if greater than one (1) acre of single, contiguous land is provided and the POPA open space:

- (i) Serves a diverse park user population; and
- (ii) Provides design benefits greater than the general requirements set forth in subsection (a).

3. **Term and maintenance.** All POPA open spaces shall be maintained as set forth in this ~~s~~Section.

(a) The POPA open space shall be publicly accessible during the operating hours of city parks.

(b) The POPA open space shall be wholly owned and maintained by the property owner(s), homeowner association(s) or some combination thereof of the residential development awarded the credit.

(c) The right of the public to access and use the open space shall be recorded against the property by an easement, covenant or restrictions subject to review and approval by the city attorney, and such right shall run with the land in perpetuity.

(d) The property owner shall enter into an agreement with the city in conjunction with, or as part of, the easement, covenant or restrictions to identify maintenance responsibilities, procedures for future modifications or upgrades to the POPA open space and violation and/or penalties for noncompliance subject to review and approval by the city attorney. The agreement shall indemnify the city for use of the POPA open space by the public.

(e) Any future redevelopment of a project site granted a POPA open space credit shall submit a formal development application and be required to provide the minimum acreage of the POPA open space as originally credited. The POPA open space shall be subject to compliance with the requirements of this ~~e~~Chapter in place at the time of application submission.

b. **Historic resource.** Where a historic resource is preserved or rehabilitated as part of a residential development, a credit may be given against the requirement of land dedication or fees in lieu thereof due on the residential development, required by this ~~e~~Chapter, up to a maximum of fifty (50) percent of the value of the land dedication or fees in lieu thereof required by this ~~e~~Chapter. This ~~s~~Section may also apply to the relocation of a historic resource provided it is preserved or rehabilitated in conjunction with the relocation. The developer, as part of the application for a credit, shall file an application for a historic preservation permit pursuant to ~~Section~~s 36.54.45, *et seq.* Credit may be awarded pursuant to subsections d. and e. of this ~~s~~Section when it is in the public interest to do so.

c. **Affordable housing.** Because affordable housing is an important community need, the affordable housing units included in new development projects shall not be included in the total number of dwelling units used to calculate the park land dedication requirement set forth in ~~Section~~s 41.5 through 41.9. This exemption shall not include affordable housing units in otherwise market-rate developments provided pursuant to density bonus law (under state law and as set forth in Chapter 36, Article XVI, Division 8 of the ~~C~~city C~~code~~).

d. **Process.**

1. To request a credit pursuant to this ~~s~~Section, the applicant shall submit a written request specifying the credit being {sought} at time of a formal development application submittal, which shall include a description of how the request meets the credit requirements in this ~~e~~Chapter. Each request for a credit shall also include the information required under subsections (2), (3) or (4) as applicable.

2. For the POPA open space credit, the applicant shall also submit the following with a formal development application:

(a) Dimensional site, design and landscaping plans that detail the proposed POPA open space and elements; and

(b) **Analyses.**

(i) A demographic analysis of the area within one (1) mile of the proposed POPA open space (measured from the project site boundary), including the target demographics of the new residential development.

(ii) An analysis of the elements at the closest public parks and/or POPA open spaces within one (1) mile of the project site, up to a maximum of five (5) parks and/or POPA open spaces.

3. For the historic resource credit, the applicant shall also submit with a formal development application an itemized cost estimate of planned rehabilitation or relocation costs for the historic resource.

4. For the affordable housing credit, the applicant shall also submit with a formal development application the number of affordable units within the residential development as defined in ~~Section~~ 41.2.

e. **Approval.**

1. POPA open space and historic resource credits may be awarded by the city council with written findings that the applicable requirements are met.

2. The affordable housing credit may be awarded when the public works director, community development director, community services director, subdivision committee or city council, as appropriate to the development application, makes written findings that the applicable requirements are met.

f. Housing developments subject to administrative approval. Notwithstanding any provision to the contrary, a request for POPA open space and/or historic resource credits

submitted by housing developments subject to administrative approval under Section 36.44.75 of the city code shall be reviewed and approved administratively by the community services director, in consultation with the community development director and public works director, and shall be approved only if the requested credit satisfies all applicable objective criteria set forth in this Chapter.

SECTION 15. Environmental Review. The proposed amendments are in compliance with the provisions of CEQA. The proposed amendments are not a project under CEQA and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000, *et seq.*), 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). The amendments do not preclude implementation of Public Resources Code Section 21080.66, which establishes the statutory CEQA exemption for qualifying “infill” development projects. Other amendments do not result in substantive changes and are, therefore, subject to the common-sense exemption as it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

SECTION 16. Severability. 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 17. Publication. 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.

SECTION 18. Effective Date. Pursuant to Section 519 of the Mountain View City Charter, this Ordinance shall be effective thirty (30) days from and after the date of its adoption.

CDD/DP-05-26-26o