CITY OF MOUNTAIN VIEW

CITY COUNCIL

AGENDA

NOTICE AND AGENDA

REGULAR MEETING – TUESDAY, DECEMBER 10, 2013
COUNCIL CHAMBERS AT CITY HALL – 500 CASTRO STREET
6:30 P.M.—REGULAR SESSION
7:00 P.M. (OR IMMEDIATELY FOLLOWING THE REGULAR SESSION)—STUDY SESSION

6:30 P.M.—REGULAR SESSION

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**—Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks.

3. **PRESENTATIONS**

   3.1 Teen-Friendly Business Certificates to In-N-Out Burger, Jamba Juice, and West Valley Music

   3.2 Retirement Proclamation to Loreto Dimaandal, Accounting Technician, for Her 23 Years of Service

4. **CONSENT CALENDAR**

   These items will be approved by one motion unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

   4.1 **APPROVAL OF MINUTES**— Approve minutes for the:
   (1) City Council Special Meeting of November 19, 2013.

   4.2 **Ordinance No. _____—1984 EL CAMINO REAL WEST MIXED-USE PROJECT (SECOND READING)**—Adopt AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 1984 EL CAMINO REAL WEST FROM THE CRA

(COMMERCIAL/RESIDENTIAL-ARTERIAL) AND MULTI-FAMILY RESIDENTIAL (R3-1) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT (Attachment 1 to the Council report). (First reading: 6-1; Siegel no)

4.3 **Ordinance No. _____—RESIDENTIAL PROJECT AT 1951 COLONY STREET (SECOND READING)**—Adopt AN ORDINANCE AMENDING THE ZONING MAP FOR THE PROPERTIES AT 1941 AND 1951 COLONY STREET FROM THE MM-40 (GENERAL INDUSTRIAL) DISTRICT TO THE R3-2 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT. (First reading: 7-0)

4.4 **Ordinance No. _____—AMEND CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1 OF THE CITY CODE (SECOND READING)**—Adopt AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1, RELATING TO PERMIT PARKING IN PARKING DISTRICT NO. 2 PARKING LOTS. (First reading: 5-2; Bryant, Siegel no)

4.5 **Ordinance No. _____—100 MOFFETT BOULEVARD RESIDENTIAL DEVELOPMENT (SECOND READING)**—Adopt AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 100 MOFFETT BOULEVARD FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT. (First reading: 5-2; Siegel, McAlister no)

4.6 **Ordinance No. _____—ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE) AND ADD A NEW CHAPTER 36 (SECOND READING)**—Adopt AN ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE) IN ITS ENTIRETY AND ADD A NEW CHAPTER 36 TO THE MOUNTAIN VIEW CITY CODE. (First reading: 6-1; Inks no)

4.7 **204 AND 206 ADA AVENUE, TRACT NO. 10106—ACCEPT PUBLIC IMPROVEMENTS**—Accept the public improvements for the development at 204 and 206 Ada Avenue for maintenance throughout their useful lives.

4.8 **AMENDMENT TO AGREEMENT WITH WASTE MANAGEMENT FOR LONG-TERM DISPOSAL OF SOLID WASTE**—Authorize the City Manager to execute a second amendment to the agreement between the City of Mountain View and Waste Management of California, Inc. for long-term disposal of solid waste.

4.9 **APPOINTMENT OF VOLUNTEER MEDIATORS**—Appoint nine volunteer mediators to a two-year term ending June 2015.

4.10 **Resolution No. _____—REQUEST TO CHANGE PRIVATE STREET NAME, TRACT 10163, 365 VILLA STREET**—Adopt A RESOLUTION APPROVING THE REQUEST TO CHANGE PRIVATE STREET NAME, TRACT 10163, 365 VILLA STREET, to be read in title only, further reading waived (Attachment 1 to the Council report).

4.11 **AMEND PROFESSIONAL SERVICES CONTRACT WITH HATCH MOTT MACDONALD**—Authorize the City Manager to amend the existing professional services contract with Hatch Mott MacDonald (HMM) for an additional $92,000 for engineering plan check services for a total contract amount of $182,000.

4.12 **MIGRATION TO CALPERS HEALTH PROGRAM FOR SWORN POLICE EMPLOYEES REPRESENTED BY THE MOUNTAIN VIEW POLICE OFFICERS ASSOCIATION, UNREPRESENTED POLICE MANAGERS, AND POLICE CHIEF/ASSISTANT CITY MANAGER—PUBLIC SAFETY**

1. **Resolution No. _____**—Adopt A RESOLUTION ELECTING THE CITY OF MOUNTAIN VIEW TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b), to be read in title only, further reading waived (Attachment 1 to the Council report).

2. **Resolution No. _____**—Adopt A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SIDE LETTER AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE OFFICERS ASSOCIATION (POA) AND THE CITY, FOR THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2015, to be read in title only, further reading waived (Attachments 2 and 3 to the Council report).

3. **Resolution No. _____**—Adopt A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND THE COMPENSATION RESOLUTION FOR UNREPRESENTED SWORN POLICE MANAGERS AND POLICE CHIEF/ASSISTANT CITY

MANAGER—PUBLIC SAFETY, to be read in title only, further reading waived (Attachment 4 to the Council report).

4.13 **CONFIRMATION OF APPOINTMENT TO THE DOWNTOWN COMMITTEE**—Confirm the appointment of Jamil Shaikh as the neighborhood association's representative to the Downtown Committee for the term January 1, 2014 to December 31, 2014 as recommended by the Old Mountain View Neighborhood Association.

4.14 **HOUSING-RELATED PARKS GRANT**

1. **Resolution No. _____**—Adopt A RESOLUTION OF THE MOUNTAIN VIEW CITY COUNCIL AUTHORIZING AN APPLICATION FOR A HOUSING-RELATED PARKS GRANT, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Allocate the Housing-Related Parks (HRP) Grant funds to Rengstorff Park for safety and lighting improvements.

5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any number of topics for one three-minute period during the meeting. State law prohibits the Council from acting on nonagenda items.

6. **PUBLIC HEARING**

6.1 **ESTABLISHMENT OF CALIFORNIA STREET UNDERGROUND UTILITY DISTRICT NO. 40, PROJECT 10-28 (ESCUELA AVENUE TO MARIPOSA AVENUE)**

1. **Resolution No. _____**—Adopt A RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 40, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Approve use of Pacific Gas and Electric Company (PG&E) Rule 20A funds to finance the cost of undergrounding overhead electric facilities along the public right-of-way along California Street from Escuela

Avenue to Mariposa Avenue, up to 100' of lateral trenching on private property to a structure, and conversion of electric service panels.

3. Authorize the City Manager and Public Works Director to execute the General Conditions Form, Panel Conversion Agreement, and Streetlight Agreement with PG&E.

7. NEW BUSINESS

7.1 PUBLIC ART FOR THE VIEW TEEN CENTER

Select artist Leslie Scott for the commission of a public art project at The View teen center (former Rock Church) located at 263 Escuela Avenue.

8. COUNCIL, STAFF/COMMITTEE REPORTS

No action will be taken on any questions raised by the Council at this time.

9. STUDY SESSION

9.1 NORTH BAYSHORE PRECISE PLAN

The Council will hear a presentation and discuss key North Bayshore Precise Plan land use and transportation strategies.

10. CLOSED SESSION REPORT

11. ADJOURNMENT

The next Special Council Meeting will be held on Tuesday, January 7, 2014, at 6:30 p.m. in the Council Chambers, 500 Castro Street.

NOTICE

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call (650) 903-6304.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, Third Floor, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting. In addition, such writings and documents will be posted on the City's website at *www.mountainview.gov*.

WW/7/CLK
429-12-10-13A

COUNCIL MEETINGS AND AGENDA

- The City Council meets regularly on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers at City Hall, 500 Castro Street, Second Floor. Special meetings are called as necessary by the Mayor and noticed at least 24 hours in advance.
- Interested parties may review the agenda, minutes and staff reports at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning. Agenda materials may also be viewed electronically at *www.mountainview.gov*. Staff reports are also available at the Council Chambers during the meeting.
- SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990. Anyone who is planning to attend the next City Council meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the City Clerk's Office at 903-6304 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.
- The Council meetings are cablecast live on Channel 26 on the Mountain View Comcast cable system and are replayed on Wednesday at 6:30 p.m. and on Saturday at 11:00 a.m. following that week's Council meeting. If there is a live Environmental Planning Commission meeting on a Wednesday, the replay of the City Council meeting will be on a Thursday at 6:30 p.m. In addition, Council Regular meetings are webcasted, and interested persons may visit the City's website at *www.mountainview.gov* to watch the meetings live on their computer, laptop or PDA device. Archived broadcasts of previous meetings may also be accessed and watched on-line.
- The Council may take action on any matter noticed herein, and their consideration and action on the matters noticed herein is not limited by the recommendations indicated in the Agenda or staff report(s). The Council may consider and act on items listed on the agenda in any order and thus all those interested in an item listed on the agenda are advised to be present throughout the meeting (see Policy and Procedure A-13). The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.
- By policy, no new items of business will be started after 10:00 p.m., unless an exception is made by vote of the Council.

ADDRESSING THE COUNCIL

- Interested persons are entitled to speak on any action item listed on the agenda and are requested to fill out the blue cards available at the rear of the Council Chambers and deposit them with the clerk or at the podium as soon as completed. This will assure that your name and city of residence are accurately recorded in the minutes and that your interest in speaking is recognized. If you wish to speak and are not recognized by the Mayor, please approach the podium prior to completion of discussion on the item. Speakers are allowed up to three minutes each, and if a large group wishes to express its views, it is more effective to have one spokesperson.
- Items on the "Consent Calendar" are not discussed individually but are approved as a group with one motion. If a citizen wishes to speak on an item on the Consent Calendar, he or she may come to the podium at the time announced by the Mayor and request that the item be pulled for discussion by the Council.
- Anyone wishing to address the Council on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.
- Reducing Time For Public Input: For any single agendized item and for Oral Communications from the Public, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for the meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

CITY OF MOUNTAIN VIEW

4.1

CITY COUNCIL

MINUTES

SPECIAL MEETING – TUESDAY, NOVEMBER 19, 2013
COUNCIL CHAMBERS AT CITY HALL – 500 CASTRO STREET
6:30 P.M.—REGULAR SESSION

6:30 P.M.—REGULAR SESSION

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Inks called the meeting to order at 6:31 p.m.

Members of the Senior Advisory Committee led the Pledge of Allegiance.

2. **ROLL CALL**—Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks were present.

3. **PRESENTATION**

3.1 Senior Advisory Committee Chair Pamela Conlon-Sandhu and Senior Advisory Committee Member Elna Tymes presented an update regarding the Senior Advisory Committee's Work Plan and activities.

4. **CONSENT CALENDAR**

The reading of the full text of all ordinances and resolutions on the agenda was waived by unanimous consent of the Council.

Motion – M/S Clark/Siegel – Carried 7-0 – To approve the Consent Calendar.

4.1 **APPROVAL OF MINUTES**—Approve minutes for the:
(1) City Council Special Meeting of November 5, 2013.

4.2 **SET PUBLIC HEARING DATE—CALIFORNIA STREET UNDERGROUND UTILITY DISTRICT NO. 40, PROJECT 10-28**—Set date for a Public Hearing on December 10, 2013, to consider if the public necessity, health and safety, or welfare require the undergrounding of overhead utilities for supplying electric, communication, or similar associated services and to create the California Street Underground Utility District No. 40 to accomplish said utility undergrounding.

4.3 **LANDFILL GAS FLARE REPLACEMENT, PROJECT 14-52—AUTHORIZE PROFESSIONAL SERVICES AGREEMENT**—Authorize the City Manager or his designee to execute a professional services agreement with GC Environmental, Inc., in an amount not to exceed $196,998, to provide design and construction management services for the Landfill Gas Flare Replacement, Project 14-52.

4.4 **PENINSULA YOUTH THEATRE HOME COMPANY FIVE-YEAR AGREEMENT**—Authorize the City Manager to approve and execute the Home Company Agreement for Peninsula Youth Theatre through September 30, 2018.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Jim Neal expressed appreciation to the Senior Advisory Committee for their informative presentation. Mr. Neal also expressed concerns with the lack of connectivity and cost of public transportation within the Mountain View City limits.

6. PUBLIC HEARING

6.1 RESIDENTIAL PROJECT AT 1951 COLONY STREET

Mayor Inks opened the Public Hearing at 7:07 p.m.

Senior Planner Williams and City Ventures Director of Development Charity Wagner presented oral reports and they, Zoning Administrator Gilli, City Ventures Vice President of Development Phil Kerr and Economic Development Manager Andrade, responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE PROJECT:

Jim Neal
Hans Buwalda

Mayor Inks closed the Public Hearing at 7:29 p.m.

Motion – M/S Clark/Kasperzak – Carried 7-0 – To: 1. Adopt a Mitigated Negative Declaration for the 1951 Colony Street residential project in accordance with the California Environmental Quality Act (Attachment 1 to the Council report); 2. Adopt **Resolution No. 17817—**A RESOLUTION FOR A GENERAL PLAN LAND USE MAP AMENDMENT TO CHANGE THE PROPERTIES AT 1941 AND 1951 COLONY STREET FROM GENERAL INDUSTRIAL TO MEDIUM-DENSITY RESIDENTIAL (13 TO 25 UNITS PER ACRE), to be read in title only, further reading waived (Attachment 2 to the Council report); 3. Introduce AN ORDINANCE AMENDING THE ZONING MAP FOR THE PROPERTIES AT 1941 AND 1951 COLONY STREET FROM THE MM-40 (GENERAL INDUSTRIAL) DISTRICT TO THE R3-2 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT, with the amended conditions 14 and 18 as referenced by staff, to be read in title only, further reading waived, and set a second reading for December 10, 2013 (Attachment 3 to the Council report); 4. Adopt **Resolution No. 17818—**A RESOLUTION FOR A PLANNED UNIT DEVELOPMENT PERMIT, DEVELOPMENT REVIEW PERMIT, AND HERITAGE TREE REMOVAL PERMIT TO ALLOW FOR A 33-UNIT ROWHOUSE PROJECT AND THE REMOVAL OF 11 HERITAGE TREES ON THE PROPERTIES LOCATED AT 1941 AND 1951 COLONY STREET, to be read in title only, further reading waived (Attachment 4 to the Council report); and 5. Adopt **Resolution No. 17819—**A RESOLUTION FOR A VESTING TENTATIVE MAP FOR THE 33-UNIT ROWHOUSE DEVELOPMENT AT 1941 AND 1951 COLONY STREET, to be read in title only, further reading waived (Attachment 5 to the Council report).

7. NEW BUSINESS

7.1 MODIFICATIONS TO THE DOWNTOWN PARKING DISTRICT—PARKING PERMIT PROGRAM

Business Development Specialist Chew presented an oral staff report and she, Economic Development Manager Andrade, City Manager Rich, City Attorney Quinn and CDM Smith Group Leader Terri O'Connor, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

Daniel Smolkin. Mr. Smolkin also responded to Council's questions.
Jim Neal
Patrick Moore
Lucas Ramirez

Motion – M/S Bryant/Siegel – Failed 4-3; Councilmembers Abe-Koga, Kasperzak, McAlister no – To:

1. Adopt A RESOLUTION AMENDING RESOLUTION NO. 17031 RELATING TO THE PARKING PERMIT FEE SCHEDULE WITHIN PARKING DISTRICT NO. 2, to be read in title only, further reading waived.

    a. Set parking permit fees beginning January 1, 2014;

    b. Parking permit fees to be adjusted by the cost-of-living index each year thereafter as part of the budget process; and

    c. Add a quarterly permit to the fee schedule.

2. Introduce AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1, RELATING TO PERMIT PARKING IN PARKING DISTRICT NO. 2 PARKING LOTS, to be read in title only, further reading waived, and set second reading for December 10, 2013.

3. For Fiscal Year 2013-14, increase appropriations in the Parking District fund for $16,000 for the hiring of a part-time hourly Police Assistant. (Five votes required)

Motion – M/S Clark/Kasperzak – Carried 5-2; Councilmembers Bryant, Siegel no – To:

1. Adopt **RESOLUTION NO. 17820** AMENDING RESOLUTION NO. 17031 RELATING TO THE PARKING PERMIT FEE SCHEDULE WITHIN PARKING DISTRICT NO. 2, to be read in title only, further reading waived.

    a. Set parking permit fees beginning January 1, 2014 as follows: $4/day, $50/monthly and $300/annually;

    b. Parking permit fees to be adjusted by the cost-of-living index each year thereafter as part of the budget process; and

    c. Add a $100/quarterly permit to the fee schedule; and

2. Introduce AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1, RELATING TO PERMIT PARKING IN PARKING DISTRICT NO. 2 PARKING LOTS, to be read in title only, further reading waived, and set second reading for December 10, 2013.

Motion – M/S Clark/Kasperzak – Carried 7-0 – To increase appropriations for Fiscal Year 2013-14 in the Parking District fund for $16,000 for the hiring of a part-time hourly Police Assistant. (Five votes required)

7.2 **RECOMMENDATIONS FROM THE COUNCIL PROCEDURES COMMITTEE**

City Manager Rich presented an oral staff report and he, and City Attorney Quinn, responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE PROPOSED RECOMMENDATIONS AND/OR EXPRESSING CONCERNS:

Lucas Ramirez
Jim Neal
Margaret Capriles
Don Bahl

Motion – M/S Clark/Kasperzak – Carried 6-1; Mayor Inks no – To: 1. Revise City Council Policy K-2 (Board, Commission, and Committee Appointments) to: a.Clarify that individuals appointed to Council advisory bodies serve at the pleasure of the City Council; b. Reference to the removal process for a Council advisory body member as described in the City Charter; c. Include the definition of "excused absences" from City Council Policy A-13; d. Allow for the appointment of alternate members who could be appointed directly if a vacancy is created by the election of a current board, commission, or committee member to the City Council, including the revisions as set forth by staff today; e. Modify the dates for the interview and selection process to occur between October 15 and November 30; 2. Direction to the City Clerk to incorporate the following changes to their oversight of work related to boards, commissions, and committees: a. Include in the attendance report provided to the Council Appointments Review Committee the exact number of meetings attended and missed per term; b. Emphasize in the application used to apply to a Council advisory body the importance of attending meetings and being punctual and that non-City work-related absences ordinarily will not qualify as an excused absence for advisory bodies; and 3. Revisions to the Council Code of Conduct: a. Require all advisory body members to review and sign a Personal Code of Conduct upon assuming office and upon reappointment or election to that office; b. Make provisions related to compliance and enforcement in the Code of Conduct applicable to members of advisory bodies.

Motion – M/S Abe-Koga/Kasperzak – Carried 6-1; Mayor Inks no – To direct the CPC study and evaluate the possibility of a Charter amendment to adjust Council compensation.

8. **COUNCIL, STAFF/COMMITTEE REPORTS**

Councilmember Kasperzak reported that Councilmember Siegel, Vice Mayor Clark and he attended the National League of Cities Annual Congress of Cities meeting held in Seattle last week.

Vice Mayor Clark reported on the Council Environmental Sustainability Committee meeting held yesterday.

Councilmember McAlister requested that Council support consideration of condo conversations with the objective of expanding affordable ownership housing within the city.

By a vote of 6-1; Mayor Inks no - Staff was directed to provide a memorandum summarizing the condo conversion process outlined in the current ordinance, as well as the issues and challenges.

Councilmember Abe-Koga reported on the Cities Association of Santa Clara County meeting held last week. Councilmember Abe-Koga also reported that the County of Santa Clara Emergency Preparedness Council has transitioned into the Operational Area Council, and its first meeting was held on Monday.

9. **CLOSED SESSION REPORT (OPEN SESSION**) – None.

10. **ADJOURNMENT**

At 10:06 p.m., Mayor Inks adjourned the meeting to the next Special Council Meeting to be held on Tuesday, December 3, 2013, at 6:30 p.m. in the Council Chambers, 500 Castro Street.

10A. Resolutions enacted at this meeting are on file in the Office of the City Clerk.

ATTEST:	APPROVED:
_____	_____
LORRIE BREWER, MMC	JOHN M. INKS
CITY CLERK	MAYOR

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Request to Change Private Street Name, Tract 10163, 365 Villa Street**

RECOMMENDATION

Adopt A RESOLUTION APPROVING THE REQUEST TO CHANGE PRIVATE STREET NAME, TRACT 10163, 365 VILLA STREET, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On July 10, 2012, the City Council adopted Resolution No. 17714 conditionally approving the tentative map to subdivide an existing 1.2-acre site at 365 Villa Street, creating 12 residential lots and 1 common lot for a private street. The final map was approved by Council on September 10, 2013, with the private street named "Marguerite Lane," and the map was filed for record on September 19, 2013, in Book 864 at Pages 29 through 33, Records of Santa Clara County (Attachment 2). The subdivision is under construction and the 12 residential lots have not yet sold.

ANALYSIS

The developer, Old Mountain View Development, LP, proposes to rename the private street "Shumway Lane" at the request of the adjacent neighborhood. The name has historical significance because Jacob Shumway, who was the first postmaster of Mountain View, gave the City its name in 1854.

Under California Government Code Sections 34091.1 and 34092, the City Council can amend the street name on a recorded map by adopting a resolution designating the name change.

The Police, Fire, Community Development, and Public Works Departments have reviewed and accepted the proposed name change. If Council approves this request, the adopted resolution will be filed for record with the Recorder of the County of Santa

Clara for correction to the recorded final map to change the name of the private street to "Shumway Lane." The U.S. Postal Service, County Assessor, utility companies serving the area, adjoining property owners, and mapping organizations will be notified of the name change to update their records accordingly.

FISCAL IMPACT

This request is processed with no additional fees required from the developer. The developer previously paid $299,935 in subdivision fees, including $227,700 in Park Land Dedication In-Lieu fees.

ALTERNATIVES

1. Do not approve the recommended name change.

2. Approve an alternate name for the street.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Quynh Byrer
Senior Civil Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

QB/7/CAM/917-12-10-13CR-E

Attachments: 1. Resolution
2. Final Map

cc: Mr. Adam Kates—Old Mountain View Development, LP
c/o Classic Communities, Inc.
1068 East Meadow Circle
Palo Alto, CA 94303

CBO, APWD—Solomon, PCE—Arango, File (Tract 10163, 365 Villa Street), Chron

Attachment 1

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION APPROVING THE REQUEST TO CHANGE PRIVATE STREET NAME, TRACT 10163, 365 VILLA STREET

WHEREAS, on July 10, 2012, the City Council adopted Resolution No. 17714, Series 2013, approving the tentative map of the subdivision hereafter referred to; and

WHEREAS, the final map for said subdivision entitled Tract 10163 was approved by Council on September 10, 2013, creating 12 residential lots and 1 common lot for a private street named as "Marguerite Lane," and the map was filed for record on September 19, 2013, in Book 864 at Pages 29 through 33, Records of Santa Clara County; and

WHEREAS, the developer proposes to rename the private street to "Shumway Lane," which has the historical significance because Jacob Shumway, who was the first postmaster of Mountain View, gave the City its name in 1854; and

WHEREAS, under California Government Code Sections 34091.1 and 34092, the City Council can amend the street name on a recorded map and adopt a resolution designating the name change; and

WHEREAS, the City Council has received and considered a report dated December 10, 2013, from the Public Works Director recommending approval of said street name change;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

1. That certain private street named as "Marguerite Lane" in Tract 10163 recorded on September 19, 2013, is hereby declared to be known as "Shumway Lane"; and

2. Certified copies of this resolution shall be filed for recordation with the Recorder of the County of Santa Clara for correction to the recorded final map; and

3. The U.S. Postal Service, Santa Clara County Assessor, utility companies serving the area, adjoining property owners, and mapping organizations shall be notified of the name change.

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QB/7/RESO
917-12-10-13Res-E

This document has
not been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

TRACT NO. 10163

12 SINGLE - FAMILY LOT SUBDIVISION
"CLASSICS AT OLD TOWN II"

365 VILLA STREET

CONSISTING OF 5 SHEETS

BEING THE LANDS OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED IN THE GRANT DEED, RECORDED MAY 10, 2013 UNDER DOCUMENT NO. 22213842, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE
CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA

DATE: SEPTEMBER 2013

BKF
ENGINEERS-SURVEYORS-PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY AND WE HEREBY CONSENT TO THE MAKING AND RECORDING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE ALSO HEREBY DEDICATE IN FEE SIMPLE TO THE CITY OF MOUNTAIN VIEW ALL OF "LOT B" AS SHOWN UPON THIS MAP FOR PUBLIC STREET AND UTILITY PURPOSES, TOGETHER WITH THE RIGHT TO GRANT EASEMENTS FOR PUBLIC UTILITIES OR OTHER ESSENTIAL PURPOSES.

WE ALSO HEREBY DEDICATE TO PUBLIC USE, EASEMENTS FOR UNDERGROUND PUBLIC UTILITY FACILITIES, DESIGNATED ON THIS MAP AS "PUBLIC UTILITY EASEMENT" (P.U.E.), FOR SUCH USE AS GAS MAINS, ELECTRIC, COMMUNICATION AND CABLE TELEVISION FACILITIES, AND OTHER SIMILAR USES, TOGETHER WITH APPURTENANCES THEREOF AND WITH RIGHTS OF INGRESS AND EGRESS. SAID PUBLIC UTILITY EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, SURFACE PAVEMENT, LAWFUL UNSUPPORTED ROOF OVERHANGS, IRRIGATION SYSTEMS, UTILITY COMPANY STRUCTURES AND APPURTENANCES THEREOF.

WE ALSO HEREBY DEDICATE TO PUBLIC USE, EASEMENTS FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES ACROSS THOSE AREAS DESIGNATED ON THIS MAP AS "EMERGENCY VEHICLE ACCESS EASEMENT" (E.V.A.E.).

WE ALSO HEREBY DEDICATE TO PUBLIC USE, EASEMENTS FOR WATER METER PURPOSES ONLY, TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR, RENEW, REPLACE, OPERATE AND USE WATER METERS AND APPURTENANCES, UNDER, UPON AND OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS W.M.E. (PUBLIC WATER METER EASEMENT), SAID PUBLIC WATER METER EASEMENTS SHALL BE KEPT OPEN AND FREE FROM ALL BUILDING STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, SURFACE PAVEMENT, LAWFUL UNSUPPORTED ROOF OVERHANGS, IRRIGATION SYSTEMS, UTILITY COMPANY STRUCTURES AND APPURTENANCES THEREOF. THE CITY IS NOT RESPONSIBLE FOR PRIVATE OR PUBLIC UTILITIES THAT ARE WITHIN OR ACROSS SAID EASEMENT.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT) ARE RESERVED FOR THE OWNERS OF LOTS 1 THROUGH 12 SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS, RECIPROCAL RIGHTS FOR INGRESS AND EGRESS. SAID EASEMENT AREAS ARE TO BE KEPT OPEN AND FREE OF SURFACE STRUCTURES OF ANY KIND. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS "P.A.E." (PRIVATE ACCESS EASEMENT) ARE RESERVED FOR THE OWNERS OF LOTS 1 THROUGH 12 SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS, AND FOR FUTURE RESIDENTS OF 361 VILLA STREET, SUBJECT TO CITY COUNCIL APPROVAL OF A RESIDENTIAL SUBDIVISION MAP AT 361 VILLA STREET, RECIPROCAL RIGHTS FOR MUTUAL PEDESTRIAN, BICYCLE, MOTOR VEHICLE AND UTILITY ACCESS PURPOSES. SAID EASEMENT AREAS ARE TO BE KEPT OPEN AND FREE OF SURFACE STRUCTURES OF ANY KIND.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS "P.S.D.E." (PRIVATE STORM DRAIN EASEMENT), "P.S.S.E." (PRIVATE SANITARY SEWER EASEMENT), AND "P.W.E." (PRIVATE WATER EASEMENT) ARE RESERVED FOR USE BY THE OWNERS OF LOTS 1 THROUGH 12 FOR THE INSTALLATION AND MAINTENANCE OF THE PRIVATE STORM DRAINAGE FACILITIES, SURFACE DRAINAGE OF STORM WATER, PRIVATE SANITARY SEWER FACILITIES, PRIVATE WATER AND FIRE SERVICE FACILITIES. THESE PRIVATE EASEMENT AREAS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR UTILITY COMPANY STRUCTURES AND APPURTENANCES THEREOF. THE MAINTENANCE AND REPAIR OF PRIVATE DRAINAGE FACILITIES, PRIVATE SANITARY SEWER FACILITIES AND PRIVATE WATER FACILITIES ARE THE RESPONSIBILITY OF THE HOMEOWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS P.W.M.E. (PRIVATE WALL MAINTENANCE EASEMENT) ARE RESERVED FOR USE BY THE OWNERS OF LOTS 1 THROUGH 12 FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF WALLS, DRAINAGE FACILITIES AND ALL APPURTENANCES THERETO, WITH RIGHTS OF INGRESS AND EGRESS. THESE PRIVATE EASEMENT AREAS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR FENCES AND APPURTENANCES THEREOF. THE MAINTENANCE AND REPAIR OF WALLS AND DRAINAGE FACILITIES ARE THE RESPONSIBILITY OF THE HOMEOWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS "P.S.L.E." (PRIVATE STREET LIGHT EASEMENT) ARE RESERVED FOR USE BY THE OWNERS OF LOTS 1 THROUGH 12 FOR THE INSTALLATION AND MAINTENANCE OF THE PRIVATE STREET LIGHTS. THESE PRIVATE EASEMENT AREAS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR FENCES, UTILITY COMPANY STRUCTURES AND APPURTENANCES THEREOF. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF SAID STREET LIGHTS SHALL BE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS.

THE AREAS OF LAND DESIGNATED AND DELINEATED AS P.Y.E. (PRIVATE YARD EASEMENT) ARE RESERVED FOR USE BY THE OWNERS OF THE ADJACENT LOTS FOR SUCH USE AS SIDE YARD LOT AREA FOR THE BENEFIT OF THE DESIGNATED LOTS. THE MAINTENANCE OF SAID PRIVATE YARD EASEMENT IS THE RESPONSIBILITY OF THE LOT BEING BENEFITED. SAID EASEMENTS ARE NOT INTENDED FOR USE OF THE GENERAL PUBLIC, BUT ARE INTENDED FOR THE EXCLUSIVE USE OF THE LOTS BENEFITED. SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF SURFACE STRUCTURES OF ANY KIND. THE USE AND MAINTENANCE OF THE P.Y.E. SHALL BE IN ACCORDANCE WITH THE APPROPRIATE COVENANTS, CONDITIONS & RESTRICTIONS.

"LOT A" IS NOT OFFERED FOR DEDICATION AND IS RESERVED FOR THE FUTURE CONVEYANCE TO THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION. "LOT A" ALSO INCLUDES A "COMMON AREA" FOR COMMON OPEN SPACE AND IS NOT DEDICATED FOR THE USE BY THE GENERAL PUBLIC. "LOT A" IS A COMMON AREA AND IS NOT DEDICATED FOR THE USE BY THE GENERAL PUBLIC AND IS A PRIVATE STREET KNOWN AS "MARGUERITE LANE", IS RESERVED FOR THE USE OF THE HOMEOWNERS OF THE SUBDIVISION FOR, BUT NOT LIMITED TO, ACCESS, UTILITIES, DRAINAGE, INGRESS AND EGRESS IN ACCORDANCE WITH THE SUBDIVISION RESTRICTIONS FOR THIS MAP.

AS OWNER:

OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP

BY: CLASSIC COMMUNITIES, INC., A CALIFORNIA CORPORATION
ITS: GENERAL PARTNER

BY: Adam Kates
ADAM KATES
ITS VICE PRESIDENT

OWNER'S ACKNOWLEDGMENT

STATE OF California)
COUNTY OF Santa Clara)SS.

ON Aug. 28 20 13 BEFORE ME, Amber Shelley, Notary Public.
PERSONALLY APPEARED Adam Kates
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

NOTARY'S SIGNATURE: Amber Shelley
PRINTED NAME: Amber Shelley
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Santa Clara
COMMISSION No.: 1910880
COMMISSION EXPIRATION DATE: Oct. 29, 2014

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CLASSIC COMMUNITIES, INC. ON DECEMBER 2012. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS INDICATED ON OR BEFORE JUNE 30, 2014; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: 8-26-2013

DAVIS THRESH
P.L.S. NO. 6868
LIC. EXP. 09-30-2014

LICENSED LAND SURVEYOR
DAVIS THRESH
No. 6868
STATE OF CALIFORNIA

GEOTECHNICAL SOILS REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY CORNERSTONE EARTH GROUP, 1259 OAKMEAD PARKWAY, SUNNYVALE, CA 94085, ENTITLED "CLASSICS AT OLD TOWN II", REPORT NO. 160-13-1, DATED NOVEMBER 23, 2012, AND SIGNED BY SCOTT E. FITINGNOFF R.G.E. No. 2379.

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE WITHIN FINAL MAP; THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW ON July 10, 2012, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA STATE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

Jacqueline CA Solomon DATE: 9/11/2013
JACQUELINE ANDREWS SOLOMON, CITY ENGINEER
R.C.E. NO. 57093
EXPIRES ON DECEMBER 31, 2013
CITY ENGINEER, CITY OF MOUNTAIN VIEW
SANTA CLARA COUNTY, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
JACQUELINE C. SOLOMON
C57093
Exp. 9/11/13
CIVIL
STATE OF CALIFORNIA

I, TIMOTHY Y. KO, A LICENSED CIVIL ENGINEER FOR THE CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE WITHIN FINAL MAP AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

Timothy Y. Ko DATE: 9/12/2013
TIMOTHY Y. KO
R.C.E. NO. 27089
EXPIRES MARCH 31, 2015

REGISTERED PROFESSIONAL ENGINEER
TIMOTHY Y. KO
C27089
CIVIL
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION

THE CITY OF MOUNTAIN VIEW SHALL RECONVEY AREAS DESIGNATED ON THIS MAP AS "OFFER OF FEE DEDICATION" TO THE BELOW-NAMED OWNER, OR SUCCESSOR IN INTEREST, IF THE CITY DETERMINES PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

OWNER'S NAME: OLD MOUNTAIN VIEW DEVELOPMENT, L.P.
ADDRESS: 1068 EAST MEADOW CIRCLE
CITY/STATE: PALO ALTO, CALIFORNIA

CITY ACCEPTANCE STATEMENT

I, LORRIE BREWER, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW, STATE OF CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL DID AT ITS regular MEETING HELD ON THE 10th DAY OF September, 2013 MAKE ALL FINDINGS REQUIRED PURSUANT TO ARTICLE VII OF CHAPTER 28 OF THE MOUNTAIN VIEW CITY CODE AND DID DULY APPROVE THE WITHIN FINAL MAP OF TRACT NO. 10163, AND DID ACCEPT THE DEDICATON IN FEE SIMPLE TO THE CITY OF MOUNTAIN VIEW ALL OF "LOT B" SUBJECT TO IMPROVEMENT ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION THEREON FOR THE PURPOSES SET FORTH IN THE OFFER OF DEDICATION.

DATE: 9/12/2013
RESOLUTION NO. 17799

Lorrie Brewer
LORRIE BREWER, MMC
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL OF THE
CITY OF MOUNTAIN VIEW

CITY OF MOUNTAIN VIEW
SANTA CLARA COUNTY

RECORDER'S STATEMENT

FILE NO. 22392675 FEE $ 16— PAID ______

FILED IN BOOK 864 OF MAPS, AT PAGES 29-33

SANTA CLARA COUNTY RECORDS, THIS 19th DAY OF September 2013,

AT 2:25 P.M., AT THE REQUEST OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P.

REGINA ALCOMENDRAS, COUNTY RECORDER

BY: June Alisso
DEPUTY

864 / 29 / 33

BKF No. 20116092-20

8212-01

29

22392675

TRACT NO. 10163

12 SINGLE - FAMILY LOT SUBDIVISION

"CLASSICS AT OLD TOWN II"

365 VILLA STREET

CONSISTING OF 5 SHEETS

BEING THE LANDS OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED IN THE GRANT DEED, RECORDED MAY 10, 2013 UNDER DOCUMENT NO. 22213842, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE
CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA

DATE: SEPTEMBER 2013

BKF
ENGINEERS–SURVEYORS–PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

TRUSTEE'S STATEMENT

FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION, TRUSTEE UNDER DEED OF TRUST, RECORDED MAY 10, 2013 AS DOCUMENT NO. 22213843, OFFICIAL RECORDS OF SANTA CLARA COUNTY, ENCUMBERING THE LAND HEREIN SHOWN, HEREBY CONSENTS ON BEHALF OF THE BENEFICIARY TO THE MAKING AND FILING OF THIS MAP.

BY: Sylvia Erazo
NAME: SYLVIA ERAZO
TITLE: Director, Vice President

TRUSTEE ACKNOWLEDGMENT

STATE OF California)SS.
COUNTY OF Santa Clara)

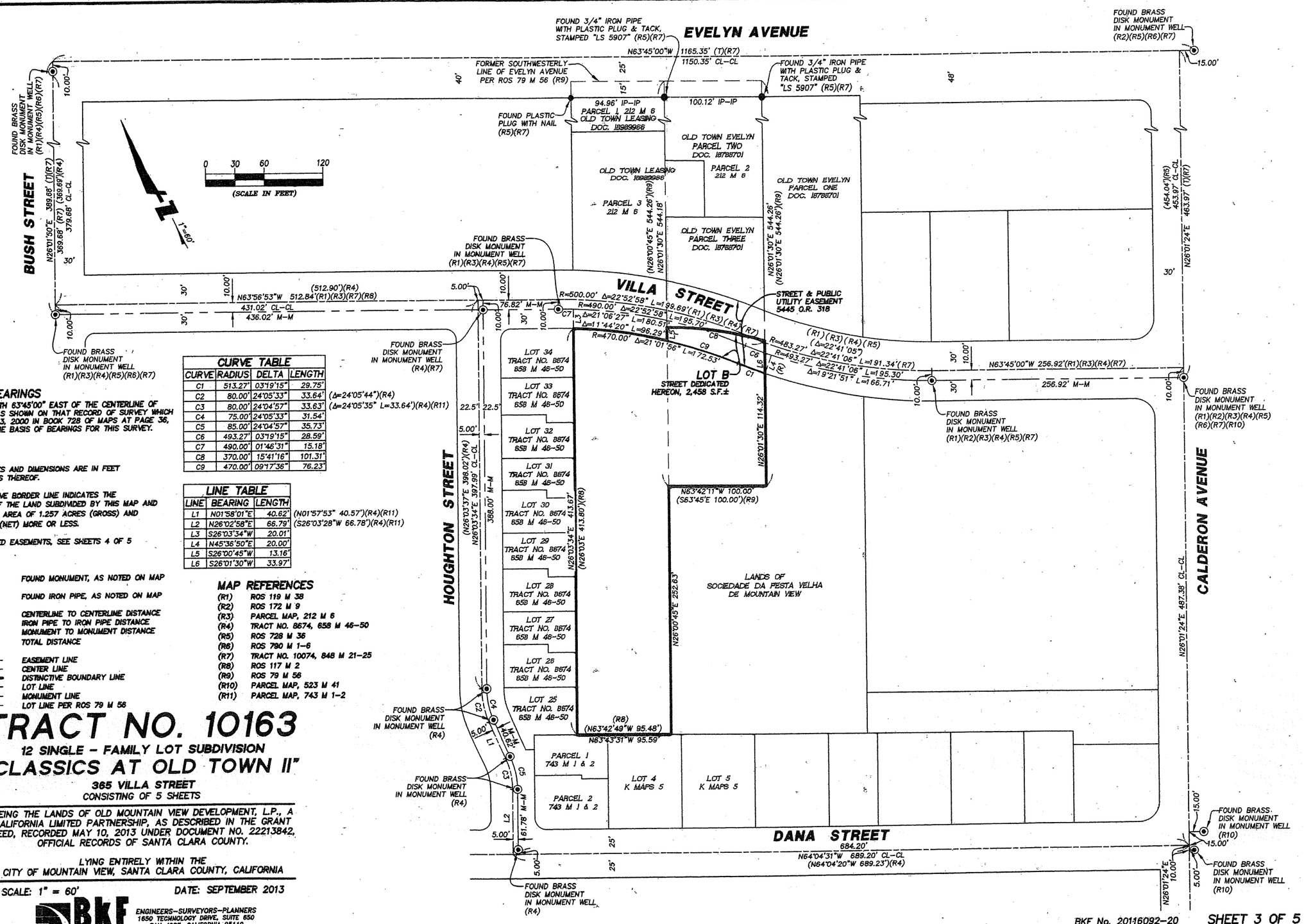
ON 8/29 20 13, BEFORE ME, Lynn McFarland A NOTARY PUBLIC,

PERSONALLY APPEARED Sylvia Erazo
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:
NOTARY'S SIGNATURE: Lynn McFarland
PRINTED NAME: Lynn McFarland
PRINCIPAL PLACE OF BUSINESS: Santa Clara
COMMISSION No.: 1921022
COMMISSION EXPIRATION DATE: 1-8-15

864/30/33



BASIS OF BEARINGS

THE BEARING SOUTH 63°45'00" EAST OF THE CENTERLINE OF EVELYN AVENUE AS SHOWN ON THAT RECORD OF SURVEY WHICH WAS FILED JUNE 13, 2000 IN BOOK 728 OF MAPS AT PAGE 36, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTE

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP AND CONTAINS AN AREA OF 1.257 ACRES (GROSS) AND 1.201 ACRES (NET) MORE OR LESS.
3. FOR PROPOSED EASEMENTS, SEE SHEETS 4 OF 5 AND 5 OF 5.

LEGEND

⊙	FOUND MONUMENT, AS NOTED ON MAP
•	FOUND IRON PIPE, AS NOTED ON MAP
CL-CL	CENTERLINE TO CENTERLINE DISTANCE
IP-IP	IRON PIPE TO IRON PIPE DISTANCE
M-M	MONUMENT TO MONUMENT DISTANCE
(T)	TOTAL DISTANCE
— — — —	EASEMENT LINE
— · — · —	CENTER LINE
═══	DISTINCTIVE BOUNDARY LINE
— — — —	LOT LINE
— — — —	MONUMENT LINE
— — — —	LOT LINE PER ROS 79 M 56

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	
C1	513.27'	03°19'15"	29.75'	
C2	80.00'	24°05'33"	33.64'	(Δ=24°05'44")(R4)
C3	80.00'	24°04'57"	33.63'	(Δ=24°05'35" L=33.64')(R4)(R11)
C4	75.00'	24°05'33"	31.54'	
C5	85.00'	24°04'57"	35.73'	
C6	493.27'	03°19'15"	28.59'	
C7	490.00'	01°46'31"	15.18'	
C8	370.00'	15°41'16"	101.31'	
C9	470.00'	09°17'36"	76.23'	

LINE TABLE

LINE	BEARING	LENGTH	
L1	N01°58'01"E	40.62'	(N01°57'53" 40.57')(R4)(R11)
L2	N26°02'58"E	66.79'	(S26°03'28"W 66.78')(R4)(R11)
L3	S26°03'34"W	20.01'	
L4	N45°36'50"E	20.00'	
L5	S26°00'45"W	13.16'	
L6	S26°01'30"W	33.97'	

MAP REFERENCES

(R1)	ROS 119 M 38
(R2)	ROS 172 M 9
(R3)	PARCEL MAP, 212 M 6
(R4)	TRACT NO. 8674, 658 M 46-50
(R5)	ROS 728 M 36
(R6)	ROS 790 M 1-6
(R7)	TRACT NO. 10074, 848 M 21-25
(R8)	ROS 117 M 2
(R9)	ROS 79 M 56
(R10)	PARCEL MAP, 523 M 41
(R11)	PARCEL MAP, 743 M 1-2

TRACT NO. 10163

12 SINGLE - FAMILY LOT SUBDIVISION

"CLASSICS AT OLD TOWN II"

365 VILLA STREET

CONSISTING OF 5 SHEETS

BEING THE LANDS OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED IN THE GRANT DEED, RECORDED MAY 10, 2013 UNDER DOCUMENT NO. 22213842, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 60' DATE: SEPTEMBER 2013

BKF
ENGINEERS-SURVEYORS-PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

BKF No. 20116092-20 SHEET 3 OF 5

8212-03
31

8/04
/31
/33

TRACT NO. 10163

12 SINGLE - FAMILY LOT SUBDIVISION

"CLASSICS AT OLD TOWN II"

365 VILLA STREET

CONSISTING OF 5 SHEETS

BEING THE LANDS OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED IN THE GRANT DEED, RECORDED MAY 10, 2013 UNDER DOCUMENT NO. 22213842, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 20' DATE: SEPTEMBER 2013

BKF
ENGINEERS–SURVEYORS–PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 850
SAN JOSE, CALIFORNIA 95110

NOTE

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. FOR EXISTING EASEMENTS, SEE SHEETS 3 OF 5.
3. ALL EASEMENT LINES WITHOUT BEARINGS ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE LOT LINE.

LEGEND

- FOUND MONUMENT, AS NOTED ON MAP
- SET 2-1/2" BRASS DISK MONUMENT WITH PUNCH MARK IN CONCRETE BASE, INSIDE MONUMENT WELL, STAMPED "LS 6868"
- SET 3/4" IRON PIPE WITH PLASTIC PLUG, TAG AND TACK, STAMPED "LS 6868"
- SET NAIL AND TAG IN CONCRETE BASE, STAMPED "LS 6868"
- EASEMENT LINE
- CENTER LINE
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- MONUMENT LINE

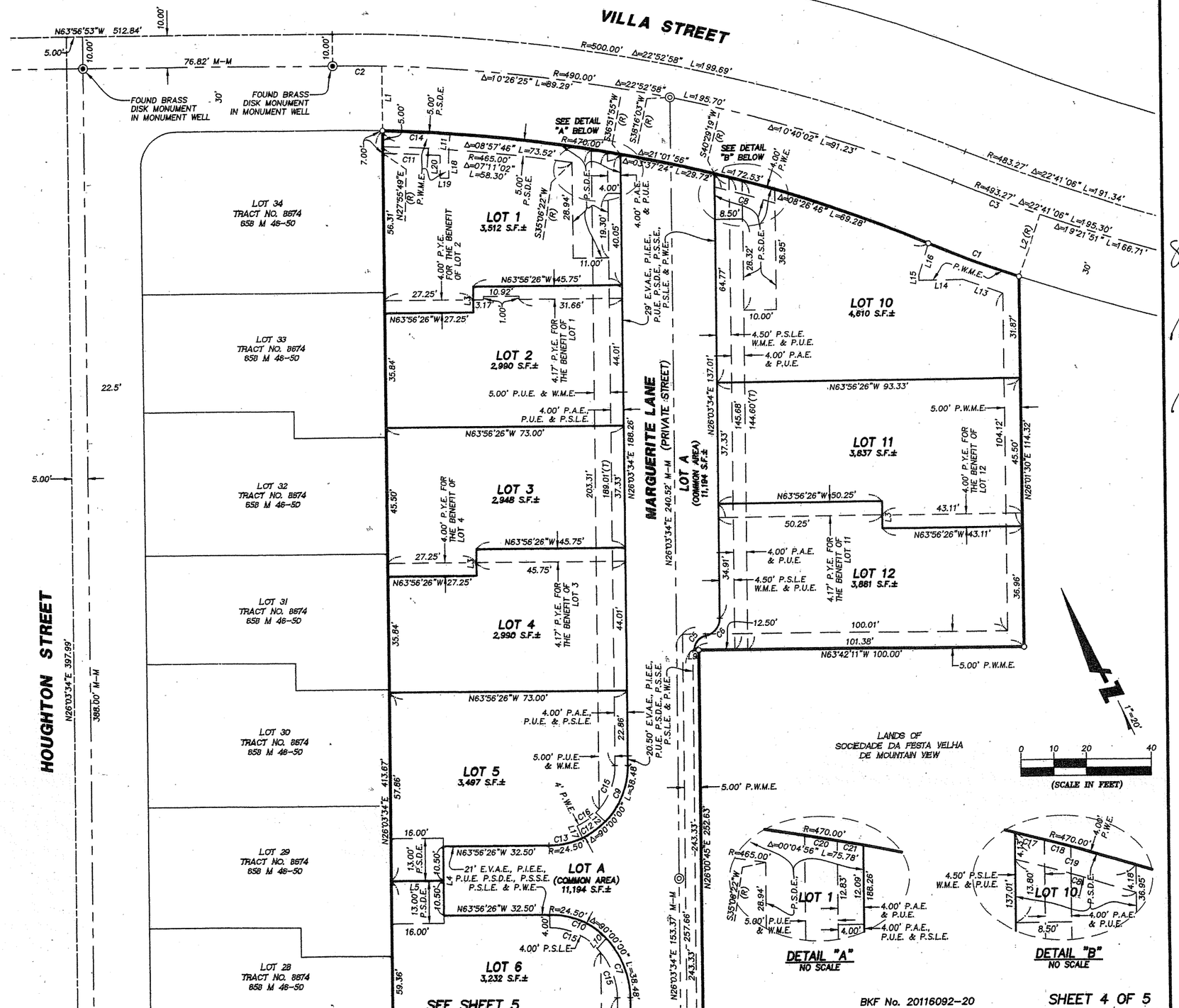
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.I.E.E.	PRIVATE INGRESS & EGRESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.S.E.	PRIVATE SANITARY SEWER EASEMENT
P.S.L.E.	PRIVATE STREET LIGHT EASEMENT
P.W.E.	PRIVATE WATER EASEMENT
P.W.M.E.	PRIVATE WALL MAINTENANCE EASEMENT
P.Y.E.	PRIVATE YARD EASEMENT
W.M.E.	PUBLIC WATER METER EASEMENT
M–M	MONUMENT TO MONUMENT DISTANCE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	513.27'	03°19'15"	29.75'
C2	490.00'	01°46'31"	15.18'
C3	493.27'	03°19'15"	28.59'
C5	4.50'	78°27'44"	6.16'
C6	5.50'	78°27'47"	7.53'
C7	24.50'	45°01'40"	19.25'
C8	466.00'	02°21'48"	19.22'
C9	24.50'	44°58'53"	19.23'
C10	24.50'	44°58'20"	19.23'
C11	463.00'	02°10'09"	17.53'
C12	24.50'	20°18'28"	8.68'
C13	24.50'	24°42'39"	10.57'
C14	470.00'	02°31'40"	20.74'
C15	20.50'	45°00'00"	16.10'
C16	20.50'	20°17'21"	7.26'
C17	470.00'	00°34'02"	4.65'
C18	470.00'	00°30'19"	4.14'
C19	470.00'	02°20'30"	19.21'
C20	470.00'	00°37'08"	5.08'
C21	470.00'	00°29'46"	4.07'

LINE TABLE

LINE	BEARING	LENGTH
L1	N26°03'34"E	20.01'
L2	N45°36'50"E	20.00'
L3	N26°03'34"E	8.17'
L4	N26°03'34"E	21.00'
L5	N63°56'26"W	16.00'
L8	N63°56'26"W	1.50'
L9	N63°42'11"W	1.38'
L10	N70°53'20"E	4.00'
L11	N30°25'49"E	7.00'
L12	N19°03'20"W	4.00'
L13	N43°32'47"W	12.88'
L14	N63°56'23"W	13.74'
L15	N26°03'36"E	1.67'
L16	N43°32'57"E	10.27'
L17	N01°20'55"E	4.00'
L18	N26°03'37"E	6.88'
L19	N63°56'25"W	2.67'
L20	N26°03'37"E	7.07'



BKF No. 20116092-20

SHEET 4 OF 5

8212-04

864/32/33

32

TRACT NO. 10163

12 SINGLE - FAMILY LOT SUBDIVISION

"CLASSICS AT OLD TOWN II"

365 VILLA STREET

CONSISTING OF 5 SHEETS

BEING THE LANDS OF OLD MOUNTAIN VIEW DEVELOPMENT, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED IN THE GRANT DEED, RECORDED MAY 10, 2013 UNDER DOCUMENT NO. 22213842, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN THE
CITY OF MOUNTAIN VIEW, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 20' DATE: SEPTEMBER 2013

BKF
ENGINEERS–SURVEYORS–PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

NOTE

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. FOR EXISTING EASEMENTS, SEE SHEETS 3 OF 5.
3. ALL EASEMENT LINES WITHOUT BEARINGS ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE LOT LINE.

LEGEND

- FOUND MONUMENT, AS NOTED ON MAP
- SET 2-1/2" BRASS DISK MONUMENT WITH PUNCH MARK IN CONCRETE BASE, INSIDE MONUMENT WELL, STAMPED "LS 6868"
- SET 3/4" IRON PIPE WITH PLASTIC PLUG, TAG AND TACK, STAMPED "LS 6868"
- SET NAIL AND TAG IN CONCRETE BASE, STAMPED "LS 6868"
- EASEMENT LINE
- CENTER LINE
- DISTINCTIVE BOUNDARY LINE
- LOT LINE
- MONUMENT LINE

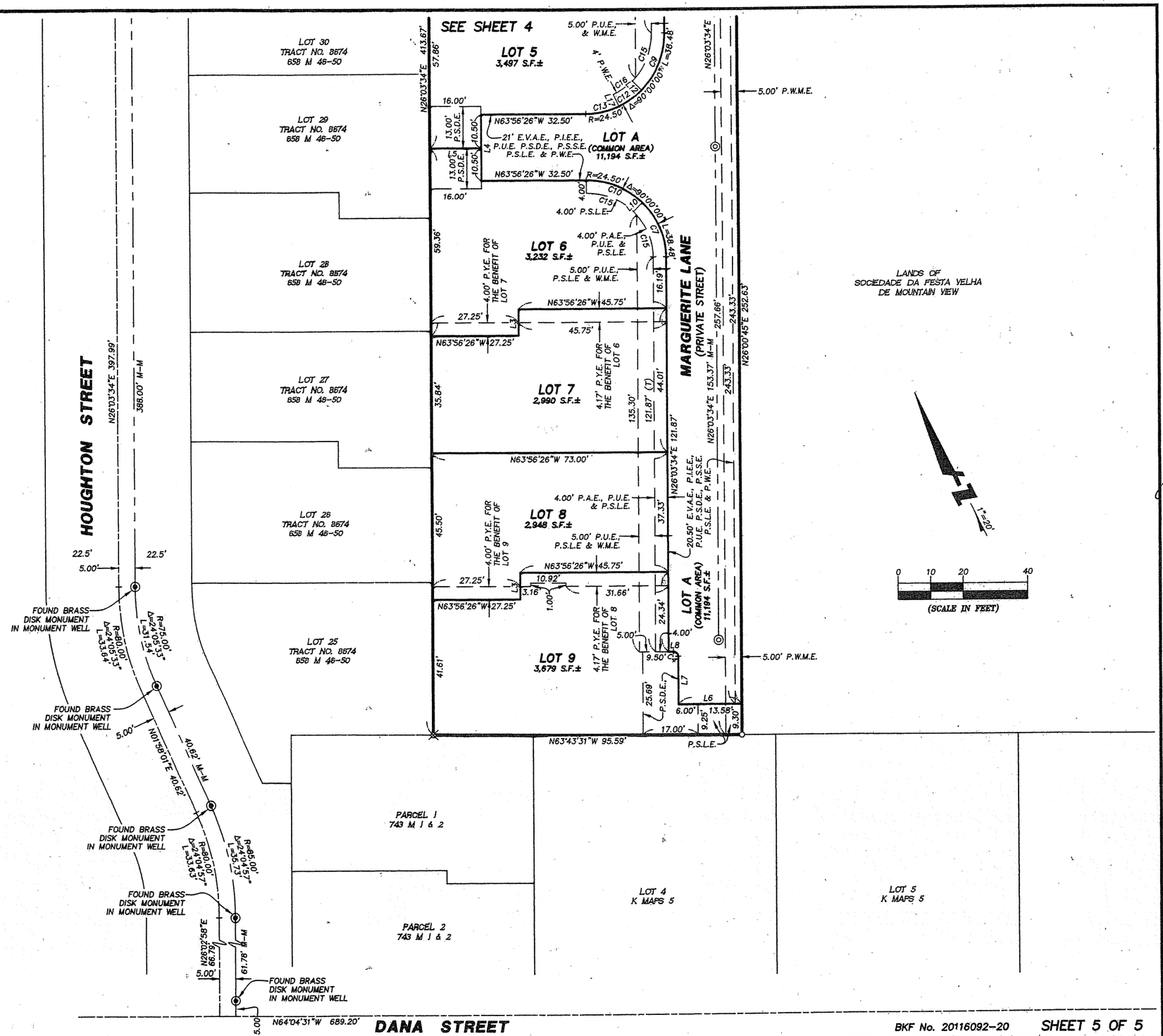
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.I.E.E.	PRIVATE INGRESS & EGRESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.S.E.	PRIVATE SANITARY SEWER EASEMENT
P.S.L.E.	PRIVATE STREET LIGHT EASEMENT
P.W.E.	PRIVATE WATER EASEMENT
P.W.M.E.	PRIVATE WALL MAINTENANCE EASEMENT
P.Y.E.	PRIVATE YARD EASEMENT
W.M.E.	PUBLIC WATER METER EASEMENT
M–M	MONUMENT TO MONUMENT DISTANCE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C4	1.50'	90°00'00"	2.36'
C7	24.50'	45°01'40"	19.25'
C9	24.50'	44°58'53"	19.23'
C10	24.50'	44°58'20"	19.23'
C12	24.50'	20°18'28"	8.68'
C13	24.50'	24°42'39"	10.57'
C15	20.50'	45°00'00"	16.10'
C16	20.50'	20°17'21"	7.26'

LINE TABLE

LINE	BEARING	LENGTH
L3	N26°03'34"E	8.17'
L4	N26°03'34"E	21.00'
L5	N63°56'26"W	16.00'
L6	N63°56'26"W	19.58'
L7	N26°03'34"E	15.00'
L8	N63°56'26"W	1.50'
L10	N70°53'20"E	4.00'
L12	N19°03'20"W	4.00'
L17	N01°20'55"E	4.00'



BKF No. 20116092-20 SHEET 5 OF 5

8212-05

33

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Amend Professional Services Contract with Hatch Mott MacDonald**

RECOMMENDATION

Authorize the City Manager to amend the existing professional services contract with Hatch Mott MacDonald (HMM) for an additional $92,000 for engineering plan check services for a total contract amount of $182,000.

BACKGROUND

To keep pace with increasing development activity over the past three years, the Public Works Department has contracted with the civil engineering firm Hatch Mott MacDonald (HMM) for land development plan review and traffic engineering services. HMM staff provide flexible staffing on an as-needed basis so the Land Development Engineering Section can meet required time lines for reviewing building permits, planning applications, and excavation permits. The current contract with HMM is funded in the amount of $90,000 with the multi-year reimbursement agreement between the City and Google. The Google agreement was approved by Council on December 13, 2011 and provides funding from Google for a 1.0 full-time equivalent (FTE) limited-term Senior Planner position in the Community Development Department and a 0.5 FTE limited-term Senior Civil Engineer position for the Public Works Department.

ANALYSIS

Private development activity in Mountain View is at a very high level, and the Public Works Department has been making effective use of engineering services from HMM by augmenting City staff to keep pace with development reviews. HMM has provided quality staff that are now familiar with the City's development requirements and processes. The recommended contract amendment would provide an additional $92,000 in the HMM contract from the remaining unallocated Google funds. These

additional services are needed to process current and anticipated development applications.

FISCAL IMPACT

For Fiscal Year 2013-14, Google deposited $379,176 with the City, of which $182,000 will be used for a half-time Senior Civil Engineer position in Public Works. Ninety-Two Thousand Dollars ($92,000) of this amount remains unallocated and is recommended as the funding source for the HMM contract amendment. If the recommended action is approved, the HMM contract will be funded at $182,000.

ALTERNATIVES

1. Request proposals from additional firms in lieu of amending the contract with HMM.

2. Use staff from the Capital Projects Section of the Engineering Division to support the Land Development Section. This alternative would negatively impact the delivery of existing capital improvement projects.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Ed Arango
Principal Civil Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

EA/7/CAM
932-12-10-13CR

Attachment: 1. Hatch Mott MacDonald Rate Schedule

cc: Mr. Glenn Ritter, Hatch Mott MacDonald

AAII—Grimm, SAA—Burgess, F/c

Hatch Mott MacDonald

Exhibit A

SCOPE OF SERVICES

ON-CALL SERVICES
CITY OF MOUNTAIN VIEW, CALIFORNIA
DECEMBER 1, 2013

Hatch Mott MacDonald will provide on-call civil engineering services to assist the City of Mountain View-Public Works Department including, but not limited to;

In-house consulting services, plan checking, CIP project management, map review, plat & legal description review, excavation permit processing, encroachment permit processing, land development project review and processing, traffic engineering reviews and consulting services.

- Senior Project Manager hourly rate = $185
- Senior Traffic Engineer hourly rate = $185
- Professional Land Surveyor hourly rate = $185
- Project Manager hourly rate = $155
- Project Engineer or Traffic Engineer hourly rate = $135

Note: The above hourly rates are effective through June 30, 2014.

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Migration to CalPERS Health Program for Sworn Police Employees Represented by the Mountain View Police Officers Association, Unrepresented Police Managers, and Police Chief/Assistant City Manager—Public Safety**

RECOMMENDATION

1. Adopt A RESOLUTION ELECTING THE CITY OF MOUNTAIN VIEW TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b), to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Adopt A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SIDE LETTER AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE OFFICERS ASSOCIATION (POA) AND THE CITY, FOR THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2015, to be read in title only, further reading waived (Attachments 2 and 3 to the Council report).

3. Adopt A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND THE COMPENSATION RESOLUTION FOR UNREPRESENTED SWORN POLICE MANAGERS AND POLICE CHIEF/ ASSISTANT CITY MANAGER—PUBLIC SAFETY, to be read in title only, further reading waived (Attachment 4 to the Council report).

BACKGROUND

The City of Mountain View currently contracts for health insurance benefits for active and retired employees. Benefit levels and cost sharing are generally negotiated between the City and employee bargaining units, and have changed over time as health-care costs have increased significantly. Eligible employees have access to health benefits in retirement through the City's Retirees' Health Program.

In negotiating new labor contracts in 2012, the City agreed to study changes to health benefits for sworn Fire and Police employees with the intent of allowing these employees to join the CalPERS health benefit program administered under the Public Employees Medical Hospital Care Act (PEMHCA) if the study determined to be cost-effective based on an analysis of short-term and long-term City costs. The study was conducted jointly between the Mountain View Professional Firefighters, Local 1965 (MVFF) and the City of Mountain View by a labor management committee (Committee) which hired an actuarial consultant, Bickmore, to advise the Committee.

On October 8, 2013, staff presented the results of the study to Council. The study estimated that an overall annual savings to the City of $225,000 to $457,000 if both sworn Fire and Police employees migrate to PEMHCA. Sworn Fire employees elected to migrate to PEMHCA and the City Council approved enabling resolutions on October 29, 2013. Sworn employees represented by the Mountain View Police Officers Association have also elected to migrate to PEMHCA.

Under State law, all employees who are members of CalPERS in the same retirement contract are required to migrate to PEMHCA. Therefore, since unrepresented sworn Police Managers and the Police Chief/Assistant City Manager—Public Safety are part of the sworn police retirement contract with CalPERS, they will also migrate to PEMHCA under the same conditions as sworn members of the POA as outlined in Attachment 3.

ANALYSIS

The impacts to the City and to employees and retirees associated with the migration to CalPERS for health benefits was documented in the Council report for the October 8, 2013 Council meeting. As presented on October 8, the City and the MVFF jointly studied the feasibility of sworn employees migrating to PEMHCA. Based on numerous actuarial assumptions and assumptions regarding enrollment decisions by employees and retirees, the study concluded the migration of sworn Fire and Police employees would result on overall savings to the City of Mountain View.

On October 29, 2013, the City Council adopted three resolutions for sworn Fire employees to migrate to PEMHCA. In November, the POA discussed and endorsed the migration to PEMHCA, agreeing to all of the terms established in the City's agreement with Mountain View Firefighters, Local 1965, regarding the migration of sworn Fire employees to PEMHCA. These include ongoing employee contributions of 1.2 percent of salary toward the Retirees' Health Trust, premium cost-sharing formulas for current employees and retirees, and repayment by employees if the City experiences overall

costs solely as a result of the migration. Unrepresented sworn Police employees and retirees will also migrate to PEMHCA in accordance with State law. As was anticipated in the study, in concert with the migration to PEMHCA, the City will extend vision insurance coverage to active employees and retirees as the PEMHCA health plans do not include vision coverage.

The POA represents certain nonsworn employees in the Police Department as well as sworn employees. While sworn Police employees are migrating to PEMHCA, nonsworn Police employees will remain on City of Mountain View health plans. The POA side letter, provided as Attachment 3, includes a commitment by the City that nonsworn employees will not bear any cost increases to City health plans which are related solely to the migration of sworn employees to PEMHCA during the term of the MOU.

The Council is required to take three actions to effect this change: approve a resolution contracting with CalPERS for health benefits; approve the execution of a side letter to the POA MOU regarding health benefits; and approve a resolution governing the migration to PEMHCA for unrepresented sworn Police employees. The migration to PEMHCA will be effective March 1, 2014.

FISCAL IMPACT

The fiscal impacts to the City were described in detail in the Council report for the October 8, 2013 Council meeting. On an annual basis, the overall net impact to the City is estimated to be a savings of $225,000 to $457,000 for both sworn Fire and Police employees migrating to PEMHCA. The financial impact for Fiscal Year 2013-14 would be prorated for the remainder of the fiscal year (March 1 to June 30, 2014) and is estimated at $74,000 to $151,000.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Sue C. Rush
Human Resources Manager

Melissa Stevenson Dile
Assistant City Manager

Approved by:

Daniel H. Rich
City Manager

SCR-MSD/7/CAM
032-12-10-13CR-E

Attachments:
1. Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act and Fixing the Employer's Contribution at an Amount Equal to or Greater than that Prescribed by Government Code Section 22892(b)
2. POA Resolution Authorizing Execution of Side Letter
3. POA Side Letter Agreement
4. Unrepresented Sworn Police Managers and Police Chief/Assistant City Manager—Public Safety Resolution

Attachment 1

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION ELECTING THE CITY OF MOUNTAIN VIEW TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b)

WHEREAS, (1) Government Code Section 22922(a) provides the benefits of the Public Employees' Medical and Hospital Care Act to employees and annuitants of local agencies contracting with the Public Employees' Retirement System on proper application by a local agency; and

WHEREAS, (2) Section 22892(a) of the Act provides that a local contracting agency shall fix the amount of the employer's contribution; and

WHEREAS, (3) The City of Mountain View, hereinafter referred to as Public Agency, is a local agency contracting with the Public Employees' Retirement System; and

WHEREAS, (4) The Public Agency desires to obtain for the sworn members of the Police Officer Association, Unrepresented Sworn Police Managers and Police Chief/Assistant City Manager for Public Safety, who are employees and annuitants of the agency, the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations; now, therefore, be it

RESOLVED, (a) That the Public Agency elects, and it does hereby elect, to be subject to the provisions of the Act; and be it further

RESOLVED, (b) That the employer's monthly contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of:

Party Rate	Contribution
1	100% of the third highest Bay Area Single Basic premium
2	92% of the third highest Bay Area Two-Party Basic premium, or 92% of the premium, whichever is less
3	92% of the third highest Bay Area Family Basic premium, or 92% of the premium, whichever is less

4	100% of the average of all Bay Area Supplemental Party Rate 4 premiums
5	92% of the average of all Bay Area Supplemental Party Rate 5 premiums, or 92% of the premium, whichever is less
6	92% of the average of all Bay Area Supplemental Party Rate 6 premiums, or 92% of the premium, whichever is less
7	92% of the average of all Bay Area Combination Party Rate 7 premiums, or 92% of the premium, whichever is less
8	92% of the average of all Bay Area Combination Party Rate 8 premiums, or 92% of the premium, whichever is less
9	92% of the average of all Bay Area Combination Party Rate 9 premiums, or 92% of the premium, whichever is less
10	92% of the average of all Bay Area Combination Party Rate 10 premiums, or 92% of the premium, whichever is less
11	92% of the average of all Bay Area Combination Party Rate 11 premiums, or 92% of the premium, whichever is less
12	92% of the average of all Bay Area Combination Party Rate 12 premiums, or 92% of the premium, whichever is less

Contingent upon the Public Agency providing written notification to CalPERS each year by November 1 designating the health plan premium to be used for Party Rate 1-3 contributions that will be effective January 1 of the following calendar year, or if no notification is received by said date, the current health plan designations will remain in effect;
Plus administrative fees and Contingency Reserve Fund assessments; and be it further

RESOLVED, (c) That City of Mountain View has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (d) That the participation of the employees and annuitants of City of Mountain View shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that City of Mountain View would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (e) That the executive body appoint and direct, and it does hereby appoint and direct, City Manager or designee to file with the Board

of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of said Public Agency all functions required of it under the Act and Regulations of the Board of Administration; and be it further

RESOLVED, (f) That coverage under the Act be effective on March 1, 2014.

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SCR/RESO
032-12-10-13Res-E

Attachment 2

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SIDE LETTER AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE OFFICERS ASSOCIATION (POA) AND THE CITY, FOR THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2015

WHEREAS, the City of Mountain View ("City") and the Police Officers Association ("POA") are parties to a Memorandum of Understanding for the period of July 1, 2012 through June 30, 2015 ("MOU"); and

WHEREAS, the City and POA agreed to study the migration of sworn members of the POA to the CalPERS health system provided under the Public Employees Medical and Hospital Care Act ("PEMHCA") (Government Code Section 22750, *et seq.*); and

WHEREAS, the City has completed the study of the migration of sworn members of the POA to PEMHCA and desire to move forward with the migration; and

WHEREAS, the provisions in the MOU need to be updated to include the understanding of the City and the POA regarding the roles and responsibilities of each of the parties with respect to the migration of the sworn members of the POA to PEMHCA; and

WHEREAS, the affected provisions in the current MOU that are being modified to address the pending migration to PEMHCA are set forth in the attached side letter agreement (Attachment 3);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View authorizes the City Manager to execute the side letter agreement (Attachment 3) modifying those provisions of the MOU related to the migration of the sworn members of the POA to PEMHCA as set forth in the agreed-upon side letter agreement.

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SCR/7/RESO
032-12-10-13Res-E-1

POA Side Letter Regarding Migration to CalPERS Health Program (PEMHCA)
November 22, 2013

Note: The following language replaces Section 8.00 of the Fiscal Years 2012-15 POA MOU, which addresses insurance benefits.

8.00 Insurance

8.01 Medical Benefits—Sworn Employees

8.01.1 Transition to Public Employees Medical and Hospital Care Act (PEMHCA)

Following a study jointly conducted by the MVFF and City of Mountain View (City), the POA and City have agreed that all represented sworn POA members will migrate to the CalPERS health system provided under the Public Employees Medical and Hospital Care Act (PEMHCA) (Government Code Section 22750, *et seq.*). This migration will apply to unrepresented sworn Police employees and retired sworn Police employees as well. The anticipated migration date is March 2014.

All represented sworn members will be covered by an equal contribution resolution which will apply to current and future represented sworn members, unrepresented sworn Police personnel, and retired sworn Police personnel.

8.01.2 Cost Sharing

The migration to PEMHCA is the result of an extensive study jointly conducted by MVFF and the City between July 2012 and September 2013. The study made numerous assumptions, as identified in the August 26, 2013 final Bickmore report and the Assessment of Total Financial Impact of Migrating Active and Retired Sworn Employees to PEMHCA, dated September 6, 2013. Based on these assumptions and the ongoing contribution of 1.2 percent of salary toward the Retirees' Health Trust (see Section 8.03 below), MVFF and the City expect that the migration to PEMHCA alone will not increase overall costs to the City in the short or long term, compared to continuation of medical benefits through City-contracted insurance, and may provide net savings to the City. The net impact to the City was calculated in the study by considering the Annual Required Contribution (ARC) for retirees' health

benefits for sworn employees; City costs for health premiums for active sworn employees; estimated new City costs for health premiums related solely to having a smaller group of insured individuals; City costs for vision for active sworn employees in Kaiser; and the value of sworn employee contributions toward the Retirees' Health Trust. These same factors will be used to determine the net impact of migration to PEMHCA as further discussed in Section 8.01.3.

8.01.3 Reconciliation of Anticipated Savings to Actual Experience Following Migration

In Fiscal Year 2015-16, the City will evaluate whether the net savings anticipated in the Fiscal Year 2012-13 study have been realized. This study will use the same financial factors as identified in Section 8.01.2. If a net savings was not realized and instead net costs increased, this study will isolate the source of the increased costs to determine whether the migration to PEMHCA was a factor. In order to maintain consistency between the 2013 and 2015 studies, the City and POA agree it would be ideal for the 2015 study to be conducted by Bickmore, the firm which provided actuarial and consulting services for the 2013 study. The City will attempt to engage Bickmore for the 2015 study. Should Bickmore no longer be in business or unable to conduct the study, the City retains the right to choose the actuarial firm to conduct the 2015 study and, in that situation, would direct the firm to use the actuarial assumptions used in the 2013 study and further described below.

Based on the City's experience at the time of the study and advice of the consultant jointly hired by the City and MVFF, the Fiscal Year 2012-13 study made numerous assumptions in three main areas; key examples are provided here for illustration with the comprehensive list of assumptions provided in the study documents:

- The initial migration to PEMHCA (such as the health plans selected by employees and retirees, the level of dependent coverage, and enrollment by retirees eligible for health coverage under PEMHCA but not eligible for the City Retiree Health Program);

- The impact to City health plan premiums associated with having a smaller number of insured individuals, City costs for

vision for active sworn employees in Kaiser and for retirees, and the value of sworn employee contributions toward the Retirees' Health Trust; and

- Actuarial assumptions to project events and costs over time, as reflected in the ARC (Discount Rate, Mortality Rates, Termination Rates, Service Retirement Rates, Disability Retirement Rates, Medicare Eligibility, Health Care Trend, Participation Rates, Spouse Coverage, Dependent Coverage).

For the purpose of determining whether the City incurred net increased costs as a result of the migration to PEMHCA rather than obtaining net savings, the Fiscal Year 2015-16 study will compare the actual experience in migrating to PEMHCA to the assumptions made in the Fiscal Year 2012-13 study as follows:

- It will determine whether the initial migration to PEMHCA occurred as expected, specifically the health plans selected by employees and retirees, the level of dependent coverage, and enrollment by retirees eligible for health coverage under PEMHCA but not eligible for the City Retiree Health Program;

- It will clearly demonstrate the extent to which City health plan premiums changed solely as a result of having a smaller number of insured individuals, actual City costs for vision for active sworn employees in Kaiser and for retirees, and the value of sworn employee contributions toward the Retirees' Health Trust; and

- It will determine whether the ARC changed as expected in the Fiscal Year 2012-13 study by conducting a retiree health valuation as of July 1, 2015. It is understood that retiree health valuations conducted by the City in the future may use different actuarial assumptions than used in the Fiscal Year 2012-13 study based on the City's actual experience following migration, but for the purposes of the Fiscal Year 2015-16 study to assess the impact of migrating to PEMHCA, the same numerical actuarial assumptions related to Discount Rate, Mortality Rates, Termination Rates, Service Retirement Rates, Disability Retirement Rates, Medicare Eligibility, Health Care Trend, Participation Rates, Spouse Coverage, and Dependent Coverage will be used as were used in the Fiscal Year 2012-13 study. The Fiscal Year 2015-16 study will also exclude the

implicit subsidy liability, as was the case in the Fiscal Year 2012-13 study.

The study will identify the results for sworn Fire and sworn Police employee groups separately. Any costs associated with this evaluation will be borne solely by the City.

POA and the City further agree that if the Fiscal Year 2015-16 study illustrates that the migration to PEMHCA resulted in higher net costs to the City in calendar years 2014 and/or 2015 rather than net savings, the parties will meet and confer over ways to pay for the higher costs. POA and the City agree to meet as quickly as possible to resolve this issue. If, within 60 days of the Fiscal Year 2015-16 study results being provided to POA, the parties are not able to agree on a method to pay for the increased costs in calendar years 2014 and/or 2015, the represented sworn members' 1.2 percent salary contribution toward the Retirees' Health Trust will increase up to a maximum of 2 percent in order to pay the cost over a five-year period, an approach to cost repayment which may be subsequently modified by mutual agreement between POA and the City. Unrepresented sworn managers would have the same obligation to repay costs experienced by the City in calendar years 2014 and/or 2015.

8.01.4 City Contributions Towards Medical Premiums

Following migration to PEMHCA, initial City contributions for medical insurance premiums are established as follows:

- *For single-level coverage:* The City will pay the full premium for single coverage for full-time regular employees and eligible retirees for any plan, up to, but not exceeding, the single-coverage premium for the Maximum plan. The employee or retiree will pay the additional cost of any plan which has a higher monthly cost than the Maximum plan.

- *Dependent-level coverage:* The City will pay 92 percent of the total premium for the employee and his or her dependents, up to, but not exceeding, 92 percent of the two-party or family premium for the Maximum plan, respectively. The employee or retiree will pay the remaining premium, which will be at least 8 percent of the two-party or family premium; more if

the plan selected has a higher premium than the Maximum plan.

- The Maximum plan for active employees and pre-Medicare retirees will be the plan with the third–highest Bay Area Region Basic plan rates (Kaiser in 2014). For Medicare-eligible retirees, the Maximum plan will be the average of all Bay Area Region "Supplement to Medicare" or "Combination" rates, depending on the plan selected by the retiree.

Party Rate	Contribution
1	100% of the third-highest Bay Area Single Basic premium
2	92% of the third-highest Bay Area Two-Party Basic premium, or 92% of the premium, whichever is less
3	92% of the third-highest Bay Area Family Basic premium, or 92% of the premium, whichever is less
4	100% of the average of all Bay Area Supplemental Party Rate 4 premiums
5	92% of the average of all Bay Area Supplemental Party Rate 5 premiums, or 92% of the premium, whichever is less
6	92% of the average of all Bay Area Supplemental Party Rate 6 premiums, or 92% of the premium, whichever is less
7	92% of the average of all Bay Area Combination Party Rate 7 premiums, or 92% of the premium, whichever is less
8	92% of the average of all Bay Area Combination Party Rate 8 premiums, or 92% of the premium, whichever is less
9	92% of the average of all Bay Area Combination Party Rate 9 premiums, or 92% of the premium, whichever is less
10	92% of the average of all Bay Area Combination Party Rate 10 premiums, or 92% of the premium, whichever is less
11	92% of the average of all Bay Area Combination Party Rate 11 premiums, or 92% of the premium, whichever is less
12	92% of the average of all Bay Area Combination Party Rate 12 premiums, or 92% of the premium, whichever is less

8.01.5 PORAC Membership Fee

The parties agree that represented sworn members who choose health insurance plans offered by PORAC through CalPERS will pay the membership fee associated with PORAC plans, and that the City will not pay PORAC membership fees.

8.02 Medical Benefits—Nonsworn Employees

Point of Service (POS) Plan:

Effective upon the completion of the 2007 medical open enrollment period, enrollments in the POS plan will be frozen. In subsequent open enrollment periods, employees who disenroll will not be allowed to return to the plan. For employees choosing to remain in the POS plan after open enrollment in August 2007, the City's cost will be capped at $1,497.70 per month. The cap does not affect retirees prior to August 1, 2007.

HMO Plans:

Effective August 1, 2012, the parties agree to modify the current HMO medical insurance plan designs to the $10 copay plan designs referred to as "Option 0" during bargaining.

During the term of the contract, the City will pay for the full employee-only premium for all full-time, permanent employees for any HMO plan offered by the City and selected by the employee.

Effective the first pay period beginning in April 2000, members will pay ten percent (10%) of the difference between the employee-only premium and two-party or family premium for dependent coverage for any plan offered by the City and selected by the employee.

PPO Plan:

Effective the first pay period beginning in August 2000, in addition to the cost to the employee for the HMO, any member selecting the City's non-HMO option will pay forty percent (40%) of the difference between the average of HMO premiums at all three levels (single, two-party, and family) and the non-HMO premiums at the same levels.

High-Deductible Health Plan (HDHP):

Effective August 1, 2012, the City will offer a high-deductible health plan (HDHP) in addition to HMO and PPO/POS plans.

The City shall pay the full employee-only premium for the HDHP offered by the City and selected by the employee. For dependent coverage in an HDHP, the employee shall pay ten percent (10%) of the difference between the employee-only premium and two-party or family premium for dependent coverage for regular full-time employees in accordance with the following schedule:

For members who elect to participate in the HDHP, the following Health Savings Account contribution schedule will apply for Fiscal Year 2012-13 through Fiscal Year 2014-15. When an employee enrolls in an HDHP for the first time, the City will contribute one hundred percent (100%) of the plan deductible $1,500 for employee only and $3,000 for employee plus one or more dependents (up to the IRS annual maximum) into the employees' Health Savings Account (HSA) as defined by the IRS.

During subsequent enrollment years, the City will contribute fifty percent (50%) ($750 for employee only and $1,500 for employee plus one or more dependents) of the plan deductible into the employee's HSA, up to the maximum allowable by the IRS. This contribution will be made at the beginning of the plan year.

If an employee leaves the HDHP and later returns, the City will contribute fifty percent (50%) of the plan deductible into the employee's HSA at time of enrollment. Employees may contribute additional funds into their HSA up to the IRS annual maximums. For 2012, the maximums are $3,100 (self-only coverage); $6,250 (one or more dependents).

The City may change the contribution to the HSA after Fiscal Year 2014-15.

Employee Payment:

The employee shall pay that portion of the premiums which is their responsibility through payroll deductions in accordance with procedures established by the Finance and Administrative Services Department. Regular part-time employees are required to pay one hundred percent (100%) of the difference between the employee-only premium and the two-party or family premium, whichever is applicable.

During the term of this Agreement, the City shall provide a choice of medical plans: an HMO, a PPO, and an HDHP plan. The City reserves the right to select the plans to be provided.

Impact to Nonsworn Employees of PEMHCA Migration for Sworn Employees

The City and Public Safety (Fire and Police) sworn employees have agreed to move Public Safety sworn employees to the CalPERS Health benefit program (PEMHCA) effective March 1, 2014. The City's health insurance carriers may increase premiums due to the smaller population of nonsafety miscellaneous employees remaining resulting from this transition of Public Safety sworn employees to PEMHCA. If there is an increase related solely to this transition, the City has agreed to hold the nonsafety miscellaneous employees harmless from such increase during the term of the MOU.

Insurance rates are effective January 1 of each calendar year, and are typically determined in November. If premiums for nonsafety miscellaneous employees increase due to the transition of Public Safety, the City will notify the bargaining group immediately. Payroll will identify the difference related to the transition and will add such increase otherwise due from the nonsafety miscellaneous employee to the City's premium share. For the term of the MOU, the nonsafety miscellaneous employee's contribution shall remain as if there was no increase in premium as a result of the transition of Public Safety sworn employees transitioning to PEMHCA.

8.03 **Dental Benefits**

Effective through July 31, 2013, the City pays one hundred percent (100%) of the employee-only premium. Employees will contribute fifteen percent (15%) of the total two-party or family dental premium.

Beginning with the August 1, 2013 dental plan premium, the City shall pay the full employee premium for the dental plan offered by the City. For dependent coverage, the City shall pay eighty-eight percent (88%) of the difference between the single-coverage premium and the selected dependent-coverage premium (two-party or family) for regular full-time and regular part-time employees. The employee shall pay that portion of the premium which is his/her responsibility through payroll deductions

in accordance with procedures established by the Human Resources Division and the Finance and Administrative Services Department.

8.04 Psychological

Represented members and their spouses and children are eligible to receive confidential psychological counseling at City expense. The program will allow five visits per family member per year and other provisions as provided in the Psychology Systems program. The program is administered by the City's Human Resources Division.

8.05 **Retirees' Medical**

With the migration to PEMHCA, all represented sworn members, unrepresented sworn Police personnel, and sworn Police retirees who meet the requirements established by PEMHCA will be eligible to receive retirees' health benefits provided under PEMHCA and will no longer be eligible to receive retirees' health benefits under the City's Retirees' Health Insurance Program. Any represented sworn members, unrepresented sworn Police personnel, and sworn Police retirees who do not meet the requirements established by PEMHCA will not be eligible to receive benefits under the City's Retirees' Health Insurance Program.

Members will have the option of participating in the Retirement Health Savings Account without any employer contributions subject to subsequent requirements and restrictions in IRS rulings, regulations, and opinions.

In consideration for allowing represented sworn members to migrate to PEMHCA, beginning with the first pay period in Fiscal Year 2013-14, all represented and unrepresented sworn members shall contribute 1.2 percent of salary toward the retiree health cost share. If the migration to PEMHCA is successful, and for as long as all sworn members remain with PEMHCA, all members shall continue contributing 1.2 percent of salary, on an ongoing basis, toward the City's Retirees' Health Trust to pay for or smooth future cost increases related to retirees' health. The Retirees' Health Trust will be administered by CalPERS. This contribution will be accomplished through a salary deduction and the City will make the deduction on a pretax basis to the extent permitted under State and Federal law. The City makes no representation as to the taxable nature of this deduction. The City and each employee shall retain liability for their respective tax obligations. The 1.2 percent retiree health contribution is in addition to the CalPERS pension cost share addressed in Section 9.01. The

1.2 percent retiree health contribution is an ongoing contribution separate from any increased contribution which may occur as a result of the provisions set forth in Section 8.01.3.

Nonsworn Members Hired Prior to July 1, 2007:

All represented members hired after July 1, 1990 must meet a vesting requirement of 15 years of service with the City of Mountain View as a permanent employee.

For represented members retiring prior to July 1, 1992, the City will pay the retired member's entire monthly premium (for single coverage). Represented members retiring after July 1, 1992 will contribute 15 percent of the single-rate premium for the medical benefit.

Nonsworn Members Hired On or After July 1, 2007:

Nonsworn members hired on or after July 1, 2007 will qualify for retirees' health upon fifteen (15) years of continuous service if they retire from the City of Mountain View. The City will pay a maximum of 85 percent of the employee-only premium of any HMO medical plan offered by the City at the time of retirement. The balance of the cost for the plan selected by the retiree will be fully paid by the retiree.

Nonsworn Members—General Provisions of the Retirees' Health Program:

The cost of the spouse/dependent premiums are at the member's expense. For represented members who retire on disability due to a job-related injury, the vesting requirement will be waived. In the event that the injured person is rehabilitated and secures employment elsewhere with health benefits, the City's health coverage will be discontinued. In the event of cancellation by a City health plan carrier, coverage for employees under that plan will not be discontinued. Some type of interim plan/ coverage will be enacted until a replacement plan can be obtained.

If a retiree lives out of the country or in a domestic location outside of the coverage area of the City's health insurance providers, the retiree must submit to the City proof of payment for alternate health insurance coverage. The City will reimburse the retiree a monthly amount up to the equivalent of: (a) the City's out-of-state PPO plan for early retirees not yet Medicare eligible; or (b) the City's out-of-state plan for Medicare-eligible

retirees. More details of this provision are found in the Retirees' Health Insurance Program brochure.

Retiree Health Savings:

Effective May 1, 2009, for all represented members at retirement, 100 percent of eligible sick leave payoff (determined by sick leave payoff formula) shall be deposited into a Retiree's Health Savings Plan (trust fund for health expenses).

8.06 Life Insurance

All represented members will receive a life insurance benefit of five (5) times their annual salary (not to exceed $600,000) or $50,000, with a vendor selected by the City. The policy premium will be fully paid by the City. The employee may select one of the two options, but the value (per IRS guidelines) over $50,000 is reportable on the member's W-2, and any taxation thereof shall be the employee's obligation.

8.07 Disability Insurance

All represented members will be covered by a Long-Term Disability (LTD) insurance policy with a vendor selected by the POA. Effective the first pay period beginning in May 2000, the City shall convert the one and six-hundredths percent (1.06%) cost for LTD insurance to salary for all represented members. The POA will select an LTD policy and the policy premium will be fully paid by each member through payroll deduction.

Police Assistants, Police Records Supervisor, and Communications Operations Supervisor—Effective the first month after ratification of the contract, the Police Assistants, Police Records Supervisor, and Communications Operations Supervisor will be covered under the POA's LTD policy. The City shall convert the City's current cost of LTD insurance to salary (0.475 percent) for these members. The LTD policy and the policy premium will be fully paid by each member through payroll deductions.

8.08 Vision Benefits

For those members who select a medical plan that does not have vision coverage, the City shall make available vision care coverage for employees and dependents. The City shall pay the cost of such coverage.

Effective August 1, 2013, the City will modify the vision plan for POA to match the plan provided to other City employees.

8.09 Section 125—Flexible Benefit Plan

The following Qualified Benefits are available to POA members under the City's Flexible Benefit Plan: Premium Contribution Plan, Medical Expense Reimbursement Plan, and Dependent Care Assistance Plan.

Attachment 4

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO AMEND THE COMPENSATION RESOLUTION FOR UNREPRESENTED SWORN POLICE MANAGERS AND POLICE CHIEF/ ASSISTANT CITY MANAGER—PUBLIC SAFETY

WHEREAS, on July 10, 2012, the City Council of the City of Mountain View adopted Resolution No. 17719 for compensation for unrepresented employees, including Police Managers and Police Chief/Assistant City Manager—Public Safety;

BE IT RESOLVED that the City Council of the City of Mountain View hereby amends or approves the additional terms for Police Managers and Police Chief/ Assistant City Manager—Public Safety as follows:

- *Medical*

  The City committed to sharing the results of a joint study conducted by the Mountain View Professional Firefighters, Local 1965 (MVFF) and the City of Mountain View (City), with Police Officers Association (POA) to discuss the prospect of all sworn Police employees, including Police Managers and Police Chief/Assistant City Manager—Public Safety, migrating to the CalPERS health system provided under the Public Employees Medical and Hospital Care Act ("PEMHCA") (Government Code Section 22750, *et seq.*). This migration will apply to unrepresented Police Managers and the Police Chief/Assistant City Manager—Public Safety. The anticipated migration date is March 2014.

  Unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety will be covered by an equal contribution resolution which will apply to current and future represented sworn POA members, unrepresented sworn Police personnel, and retired sworn Police personnel.

- *Medical Cost Sharing*

  The migration to PEMHCA is the result of an extensive study jointly conducted by MVFF and the City between July 2012 and September 2013. The study made numerous assumptions as identified in the August 26, 2013 final Bickmore report and the Assessment of Total Financial Impact of Migrating Active and Retired Sworn Employees to PEMHCA, dated September 6, 2013. Based on these

assumptions and the ongoing contribution of 1.2 percent of salary toward the Retirees' Health Trust, MVFF, POA, and the City expect that the migration to PEMHCA alone will not increase overall costs to the City in the short or long term, compared to continuation of medical benefits through City-contracted insurance, and may provide net savings to the City. The net impact to the City was calculated in the study by considering the Annual Required Contribution (ARC) for retirees' health benefits for sworn employees; City costs for health premiums for active sworn employees; estimated new City costs for health premiums related solely to having a smaller group of insured individuals; City costs for vision for active sworn employees and retirees in Kaiser; and the value of sworn employee contributions toward the Retirees' Health Trust. These same factors will be used to determine the net impact of migration to PEMHCA as further discussed in the Reconciliation of Anticipated Savings to Actual Experience Following Migration Section of this resolution.

- *Reconciliation of Anticipated Savings to Actual Experience Following Migration*

  In Fiscal Year 2015-16, the City will evaluate whether the net savings anticipated in the Fiscal Year 2012-13 study have been realized. This study will use the same financial factors as identified in the Medical Cost Sharing Section of this resolution. If a net savings was not realized and, instead, net costs increased, this study will isolate the source of the increased costs to determine whether the migration to PEMHCA was a factor. In order to maintain consistency between the 2013 and 2015 studies, the City agrees it would be ideal for the 2015 study to be conducted by Bickmore, the firm which provided actuarial and consulting services for the 2013 study. The City will attempt to engage Bickmore for the 2015 study. Should Bickmore no longer be in business or unable to conduct the study, the City retains the right to choose the actuarial firm to conduct the 2015 study and, in that situation, would direct the firm to use the actuarial assumptions used in the 2013 study and further described below.

  Based on the City's experience at the time of the study and advice of the consultant jointly hired by the City and MVFF, the Fiscal Year 2012-13 study made numerous assumptions in three main areas; key examples are provided here for illustration with the comprehensive list of assumptions provided in the study documents:

  - The initial migration to PEMHCA (such as the health plans selected by employees and retirees, the level of dependent coverage, and enrollment by retirees eligible for health coverage under PEMHCA but not eligible for the City Retirees' Health Program);

  - The impact to City health plan premiums associated with having a smaller number of insured individuals, City costs for vision for active sworn

employees in Kaiser, and the value of sworn employee contributions toward the Retirees' Health Trust; and

- Actuarial assumptions to project events and costs over time, as reflected in the ARC (Discount Rate, Mortality Rates, Termination Rates, Service Retirement Rates, Disability Retirement Rates, Medicare Eligibility, Healthcare Trend, Participation Rates, Spouse Coverage, Dependent Coverage).

For the purpose of determining whether the City incurred net increased costs as a result of the migration to PEMHCA rather than obtaining net savings, the Fiscal Year 2015-16 study will compare the actual experience in migrating to PEMHCA to the assumptions made in the Fiscal Year 2012-13 study as follows:

- It will determine whether the initial migration to PEMHCA occurred as expected, specifically the health plans selected by employees and retirees, the level of dependent coverage, and enrollment by retirees eligible for health coverage under PEMHCA but not eligible for the City Retirees' Health Program);

- It will clearly demonstrate the extent to which City health plan premiums changed solely as a result of having a smaller number of insured individuals, actual City costs for vision for active sworn employees and sworn retirees in Kaiser, and the value of sworn employee contributions toward the Retirees' Health Trust; and

- It will determine whether the ARC changed as expected in the Fiscal Year 2012-13 study by conducting a retiree health valuation as of July 1, 2015. It is understood that retiree health valuations conducted by the City in the future may use different actuarial assumptions than used in the Fiscal Year 2012-13 study based on the City's actual experience following migration, but for the purposes of the Fiscal Year 2015-16 study to assess the impact of migrating to PEMHCA, the same numerical actuarial assumptions related to Discount Rate, Mortality Rates, Termination Rates, Service Retirement Rates, Disability Retirement Rates, Medicare Eligibility, Healthcare Trend, Participation Rates, Spouse Coverage, and Dependent Coverage will be used as were used in the Fiscal Year 2012-13 study. The Fiscal Year 2015-16 study will also exclude the implicit subsidy liability, as was the case in the Fiscal Year 2012-13 study.

If the Fiscal Year 2015-16 study illustrates that the migration to PEMHCA resulted in higher net costs to the City in calendar years 2014 and/or 2015 rather than net savings, the City and the POA will meet and confer over ways to pay for the higher costs. The terms of the repayment agreement with the POA will apply to

unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety as well. Unless alternate terms of repayment are established with the POA, unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety's 1.2 percent salary contribution toward the Retirees' Health Trust will increase up to a maximum of 2 percent in order to pay the cost over a five-year period, an approach to cost repayment which may be subsequently modified by mutual agreement between Unrepresented Police Managers, Police Chief/ Assistant City Manager—Public Safety, and the City.

- *City Contributions Towards Medical Premiums*

Following migration to PEMHCA, initial City contributions for medical insurance premiums are established as follows:

— *For single-level coverage:* The City will pay the full premium for single coverage for full-time regular employees and eligible retirees for any plan, up to, but not exceeding, the single-coverage premium for the "Maximum" plan. The employee or retiree will pay the additional cost of any plan which has a higher monthly cost than the Maximum plan.

— *Dependent-level coverage:* The City will pay 92 percent of the total premium for the employee and his or her dependents, up to, but not exceeding, 92 percent of the two-party or family premium for the Maximum plan, respectively. The employee or retiree will pay the remaining premium, which will be at least 8 percent of the two-party or family premium; more if the plan selected has a higher premium than the Maximum plan.

— The "Maximum plan" for active employees and pre-Medicare retirees will be the plan with the third-highest Bay Area Region Basic plan rates (Kaiser in 2014). For Medicare-eligible retirees, the "Maximum plan" will be the average of all Bay Area Region "Supplement to Medicare" or "Combination" rates, depending on the plan selected by the retiree.

Party Rate	Contribution
1	100% of the third-highest Bay Area Single Basic premium
2	92% of the third-highest Bay Area Two-Party Basic premium, or 92% of the premium, whichever is less
3	92% of the third-highest Bay Area Family Basic premium, or 92% of the premium, whichever is less
4	100% of the average of all Bay Area Supplemental Party Rate 4 premiums

Party Rate	Contribution
5	92% of the average of all Bay Area Supplemental Party Rate 5 premiums, or 92% of the premium, whichever is less
6	92% of the average of all Bay Area Supplemental Party Rate 6 premiums, or 92% of the premium, whichever is less
7	92% of the average of all Bay Area Combination Party Rate 7 premiums, or 92% of the premium, whichever is less
8	92% of the average of all Bay Area Combination Party Rate 8 premiums, or 92% of the premium, whichever is less
9	92% of the average of all Bay Area Combination Party Rate 9 premiums, or 92% of the premium, whichever is less
10	92% of the average of all Bay Area Combination Party Rate 10 premiums, or 92% of the premium, whichever is less
11	92% of the average of all Bay Area Combination Party Rate 11 premiums, or 92% of the premium, whichever is less
12	92% of the average of all Bay Area Combination Party Rate 12 premiums, or 92% of the premium, whichever is less

- *PORAC Membership Fee*

  The parties agree that unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety who choose health insurance plans offered by PORAC through CalPERS will pay the membership fee associated with PORAC plans, and that the City will not pay PORAC membership fees.

- *Retirees' Medical*

  With the migration to PEMHCA, unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety will be eligible to receive retirees' health benefits provided under PEMHCA and will no longer be eligible to receive retirees' health benefits under the City's Retirees' Health Insurance Program. Any unrepresented Police Manager and Police Chief/Assistant City Manager—Public Safety retirees who do not meet the requirements established by PEMHCA will not be eligible to receive benefits under the City's Retirees' Health Insurance Program.

Unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety will have the option of participating in the Retirement Health Savings Account without any employer contributions subject to subsequent requirements and restrictions in IRS rulings, regulations, and opinions.

Unrepresented Police Managers began contributing 1.2 percent of salary toward the retiree health cost share effective the first pay period in July 2013. Effective the pay period which includes March 1, 2014, the Police Chief/Assistant City Manager—Public Safety will begin contributing 1.2 percent of salary toward the retirees health cost share. If the migration to PEMHCA is successful, and for as long as all sworn Police employees remain with PEMHCA, all unrepresented Police Managers and Police Chief/Assistant City Manager—Public Safety shall continue contributing 1.2 percent of salary, on an ongoing basis, toward the City's Retirees' Health Trust to pay for or smooth future cost increases related to retirees' health. The Retirees' Health Trust will be administered by CalPERS. This contribution will be accomplished through a salary deduction and the City will make the deduction on a pretax basis to the extent permitted under State and Federal law. The City makes no representation as to the taxable nature of this deduction. The City and each employee shall retain liability for their respective tax obligations. The 1.2 percent retiree health contribution is in addition to the CalPERS pension cost share addressed in Resolution 17719 approved by Council July 10, 2012. The 1.2 percent retiree health contribution is an ongoing contribution separate from any increased contribution which may occur as a result of the provisions set forth in the Reconciliation of Anticipated Savings to Actual Experience Following Migration Section of this resolution.

- *Vision Care*

  The City will provide full coverage for covered services and/or materials when members go to participating ophthalmologist, optometrist, or optician of Medical Eye Services of California or other negotiated plan. Benefits are limited if members go to a nonparticipating care provider. See brochure provided by the City for details.

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SCR/7/RESO
032-12-10-13Res-E-2

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Council Appointments Review Committee

TITLE: **Confirmation of Appointment to the Downtown Committee**

RECOMMENDATION

Confirm the appointment of Jamil Shaikh as the neighborhood association's representative to the Downtown Committee for the term January 1, 2014 to December 31, 2014 as recommended by the Old Mountain View Neighborhood Association.

BACKGROUND

The Old Mountain View Neighborhood Association has endorsed the appointment of Jamil Shaikh as its representative to the Downtown Committee for the term January 1, 2014 to December 31, 2014 and we ask Council to confirm this appointment.

ANALYSIS—None.

FISCAL IMPACT—None.

ALTERNATIVE

Do not confirm appointment of Jamil Shaikh to the Downtown Committee.

PUBLIC NOTICING—Agenda posting.

Prepared by:

R. Michael Kasperzak, Jr., Chair
Council Appointments Review Committee

RMK/WW/5/CAM
001-12-10-13CR

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Housing-Related Parks Grant**

RECOMMENDATION

1. Adopt A RESOLUTION OF THE MOUNTAIN VIEW CITY COUNCIL AUTHORIZING AN APPLICATION FOR A HOUSING-RELATED PARKS GRANT, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Allocate the Housing-Related Parks (HRP) Grant funds to Rengstorff Park for safety and lighting improvements.

BACKGROUND

The HRP Program is designed to reward local governments that approve housing for lower-income households with grant funds to create or rehabilitate parks. A total of $25 million is available State-wide for the 2013 funding round. There is no maximum award per jurisdiction; however, if eligibility for funds exceeds the amount of funding available this round, the California Department of Housing and Community Development (HCD) may reduce all grants proportionally. The deadline for filing grant applications is January 22, 2014 with grant awards being announced in June 2014.

This is a noncompetitive grant program, meaning that each jurisdiction that applies and meets the eligibility criteria will receive funding. The final grant amount awarded to each jurisdiction will depend on how many affordable units are produced and how many other jurisdictions in the State receive funding.

To be eligible, applicants must adopt a resolution allowing the City to enter into an agreement for the funding, have an adopted Housing Element that is in substantial compliance with State Housing Element law as of October 2, 2013, and submit annual progress reports for the calendar years the eligible units were constructed in by January 22, 2014.

ANALYSIS

The 2013 HRP Program awards funds on a per-bedroom basis for each residential unit affordable to very low- and low-income households that was permitted during designated program years. Jurisdictions are eligible for $500 per bedroom for each unit affordable to low-income households and $750 per bedroom for each unit affordable to very low-income households. In addition to the base award, jurisdictions can also be awarded bonus grant funds.

As shown in Table 1, bonus grant funds will be awarded for the following:

- Units constructed as part of a new construction project.
- Units affordable to extremely low-income households.
- Units developed as part of infill projects.
- Park projects which will serve disadvantaged communities.
- Park projects located within park-deficient communities.
- Park projects supporting an infill project or located within a jurisdiction included in an adopted regional blueprint plan.
- Jurisdictions demonstrating progress in increasing their overall supply of housing (this is calculated by HCD after the application has been submitted).

Table 1—Bonus Awards

		Bonus Awards per Bedroom						
		Unit-Based			*Park-Based*			*Other*
Qualifying Unit	Base Award per Bedroom	New Construction Units	ELI Units	Infill Units	Disadvantaged Community	Park Deficient Community	Regional Blueprint/ Supporting Infill	RHNA Progress*
Low-Income	$500	$300	N/A	$250	$500	$500	$100	$50
Very Low-Income	$750	$300	$250	$250	$500	$500	$100	$75

* To be determined by HCD after application submittal.

Use of the HRP grant funds for safety and lighting improvements at Rengstorff Park would help Mountain View qualify for most of the bonus point categories, and the City could be eligible for a $235,900 grant.

The funds must be spent to develop, rehabilitate, or make improvements to public parks and recreational facilities. Staff recommends using the grant funds at Rengstorff Park for much-needed safety lighting since Council has identified safety improvements at Rengstorff Park as a high priority. Also, safety lighting is included in the Rengstorff Park Master Plan and the lighting can be installed before June 2016, which is the deadline for spending the grant funds.

FISCAL IMPACT

Preliminary calculations show that the City of Mountain View could be eligible for approximately $235,900 to be used on a qualified park project. Grant funds can be used to offset other funding that has been appropriated for the City's capital improvement projects.

ALTERNATIVES

1. Use awarded grant funds for upgrades to Castro Park restroom.

2. Use awarded grant funds for upgrades to Landels Park restroom.

Neither of these projects would be eligible for the $500 Disadvantaged Community bonus.

3. Provide other direction for the use of the funds.

4. Do not authorize the City to apply for the grant.

PUBLIC NOTICING

The meeting agenda and Council report have been posted on the City's website and announced on Channel 26 and cable television.

Prepared by:

Vera Gil
Project Manager—Affordable Housing

Reviewed by:
Linda Lauzze
Administrative and Neighborhood
Services Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

VG/5/CAM
894-12-10-13CR-E

Attachment: 1. Resolution

Attachment 1

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION OF THE MOUNTAIN VIEW CITY COUNCIL AUTHORIZING AN APPLICATION FOR A HOUSING-RELATED PARKS GRANT

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated October 2, 2013 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, the City of Mountain View (Applicant) desires to apply for an HRP Program grant and submit the 2013 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement;

NOW, THEREFORE, BE IT RESOLVED that Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released October 2013 for the 2013 Designated Program Year. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement), and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

BE IT FURTHER RESOLVED that Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and time lines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute in the name of Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

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VG/5/RESO
894-12-10-13Res-E

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **1984 El Camino Real West Mixed-Use Project (Second Reading)**

RECOMMENDATION

Adopt AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 1984 EL CAMINO REAL WEST FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) AND MULTI-FAMILY RESIDENTIAL (R3-1) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT (Attachment 1 to the Council report). (First reading: 6-1; Siegel no)

SUMMARY

On November 12, 2013, the City Council approved a Planned Community Permit for a 160-unit, 4,400 square foot retail, 4-story residential development, and a Heritage Tree Removal Permit to remove 11 Heritage trees at 1984 El Camino Real West. The Council approved the ordinance in a 6-1 vote (Councilmember Siegel voting no). This is the second reading of the ordinance. If approved, the ordinance will become effective on January 10, 2014, 30 days after the second reading.

FISCAL IMPACT—None.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Margaret Netto
Planner

Peter Gilli
Zoning Administrator/
Acting Planning Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

MN-PG/7/CAM
802-12-10-13CR-E

Attachments:
1. Ordinance
2. City Council Report Dated November 12, 2013

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 1984 EL CAMINO REAL WEST FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) AND MULTI-FAMILY RESIDENTIAL (R3-1) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT

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

Section 1. Council Findings. After a Public Hearing, the City Council finds and determines that the following Zoning Map Amendment is consistent with the Mixed-Use Corridor General Plan land use designation of the City of Mountain View.

The Council further finds and determines that the following Zoning Map Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed project provides development objectives, standards, and regulations which reflect community goals and values.

The Council further finds and determines that the following Zoning Map Amendment is in compliance with the provisions of the California Environmental Quality Act because an Environmental Impact Report was prepared.

The Council further finds and determines that the site is physically suitable for the requested/anticipated land use development(s) (including, but not limited to, access, provision of utilities/compatibility with adjoining land uses and absence of physical constraints) for the requested zoning designation and anticipated land use development because it places compatible residential uses near existing residential and commercial uses; provides high-density residential near commercial services and multiple transit uses; and the site provides convenient vehicular, bicycle, and pedestrian access with the adjacent public street.

The Council further finds and determines that the following Zoning Map Amendment is in conformity with the procedures set forth in Chapter 36, Section A36.74 of the Mountain View City Code whereby the City may amend the City's Zoning Map, and that the findings for a Zoning Map Amendment required by Section A36.74.050(A)(1-3)(C) as described above, have been made.

Section 2. Zoning Change. The Zoning Map of the City of Mountain View is hereby amended to indicate as follows: the property identified as 1984 El Camino Real

West with Assessor Parcel Nos. 154-37-002 and 154-37-014 and 154-37-017 are hereby rezoned from the Multi-Family Residential District (R3-1) and CRA (Commercial/Residential-Arterial) District to the P (Planned Community) District, all as is more specifically shown on Exhibit A, attached hereto and incorporated by reference herein.

Section 3. P District Standards. The project site shall comply with the following P District standards:

I. **Compliance with the 2030 General Plan and Zoning Ordinance Required**—Any development proposal within this P District shall require a Planned Community Permit and the standard findings of approval which includes, but is not limited to, compliance with the 2030 General Plan and any applicable section of the Zoning Ordinance. This document does not limit in any manner the authority of the City to place conditions of approval on any subsequent development applications in this district.

II. **Uses**—Multi-family residential and ground-level commercial uses are provisionally allowed. New commercial tenants shall be required to obtain a Change of Use Permit from the Zoning Administrator to ensure that adequate parking is available.

III. **Floor Area Ratio (FAR)**—1.85 FAR maximum, including any above-grade parking structures.

IV. **El Camino Real Streetscape**—Pedestrian-friendly streetscape shall be provided along El Camino Real, including special public improvements, including, but not limited to, a 12′ sidewalk with street trees in tree wells (see Exhibit). Commercial buildings shall have a minimum 18′ setback from the face of curb with a single row of street trees. Residential buildings shall have a minimum 24′ setback from the face of curb with a double row of trees. Up to a 6′ encroachment for residential porches/ stoops is permitted, so long as the double row of trees is maintained. Prominent pedestrian entrances shall be provided along El Camino Real.

Residential buildings should place leasing offices and common amenity rooms along El Camino Real with storefront windows to provide visual interest to the street. Portions of buildings with these common residential elements shall be provisionally allowed to use the minimum 18′ commercial building setback.

V. **Side and Rear Setbacks**—25′ to 30′ interior side and rear setbacks should be provided for multi-story structures, depending on proposed building height and adjacencies. A minimum of 15′ setback should be provided on street sides. Reduced setbacks may be considered for sites or situations that do not require the greater

setback. The specific setbacks shall be determined through the Development Review Process.

VI. **Building Heights**—Four stories (up to 50′) with a provisional allowance for a partial fifth story (up to 60′) solely for access to rooftop amenities. These height limits are measured to adjacent grade.

VII. **Building Mass Reduction**—A "building wall" or "canyon effect" shall be avoided through the use of upper-floor step-backs, building articulation, maximum building lengths, as determined on a case-by-case basis through the Development Review Process. This shall also apply to sensitive transitions where buildings may be required to be lower height, such as two stories or three stories, when adjacent to lower-intensity development.

VIII. **Common Open Space**—175 square feet of common open space per unit. Rooftop amenities are provisionally allowed and can be part of the 175 square foot common open space per unit, with special consideration of potential off-site impacts. A variety of open spaces is encouraged (passive, active). Setback areas of 30′ and greater shall count toward common open space. Buildings shall be placed and separated in a manner that provides views of major common open spaces from the public street. Some of the common open space should be provided in the form of plaza or landscape area along El Camino Real that is accessible to the public.

IX. **Access**—A publicly accessible pedestrian and bicycle path shall be provided along the western side of the project. A safe and efficient pedestrian, bicycle, and vehicular access and pedestrian routes throughout the interior and perimeter of the site shall be provided. Vehicle access should be from El Camino Real, not side streets. There shall be clear pedestrian and bicycle access points into the project site. Curb cuts at public streets should be minimized to reduce pedestrian and/or bicycle conflicts.

X. **Vehicle Parking**—One space for studio/one-bedroom units; two spaces for two-plus bedroom units. Fifteen (15) percent of the required parking shall be accessible for guests.

XI. **Bicycle Parking**—Convenient Class 1 bicycle parking for residents, one parking space per unit (as required by City Code), located in the secured parking garage or in other secured rooms in the building (space provided within a unit does not count). Guest bicycle parking of one space per 10 units (as required by City Code).

XII. **Transportation Demand Management (TDM)**—Any project shall include, electric vehicle (EV) charging spaces, car-sharing spaces/programs, transit passes, and prewiring for EV chargers. Programs, passes, etc. shall be ongoing unless the developer demonstrates alternative TDMs approved by the Zoning Administrator at a Public

Hearing. Transit pass subsidies or an equivalent alternative transit pass shall be provided for the entire project subject to project conditions.

XIII. **Green Building**—Minimum 110-point GreenPoint rated for residential buildings. Minimum Leadership in Energy and Environmental Design (LEED) Silver shall be provided for retail spaces.

XIV. **Signage**—Appropriate signage area as determined by the Zoning Administrator through an administrative Development Review Process.

XV. **Heritage Trees**—It is acknowledged that on-site Heritage trees are difficult to retain for high-density projects with podium/underground parking garages. Every effort shall be made to retain or transplant existing Heritage trees on-site. Replacements should be fast-growing, large-canopy species.

Section 4. Effective Date. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. 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 6. Pursuant to Section 522 of the Mountain View Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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MN/7/ORD
802-11-12-13o-E

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Residential Project at 1951 Colony Street (Second Reading)**

RECOMMENDATION

Adopt AN ORDINANCE AMENDING THE ZONING MAP FOR THE PROPERTIES AT 1941 AND 1951 COLONY STREET FROM THE MM-40 (GENERAL INDUSTRIAL) DISTRICT TO THE R3-2 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT. (First reading: 7-0)

BACKGROUND

On November 19, 2013, the City Council approved a project which includes a General Plan Amendment from General Industrial to Medium-Density Residential (13 to 25 units per acre), a Zoning Map Amendment from the MM-40 (General Industrial) District to the R3-2 (Multiple-Family Residential) District, a Planned Unit Development Permit for a 33-unit rowhouse project, and a Heritage Tree Removal Permit to allow the removal of 11 Heritage trees. The Council approved the project by a 7-0 vote. This is a second reading of the ordinance for the Zoning Map Amendment. If approved, the ordinance will become effective on January 10, 2014, 30 days after the second reading.

FISCAL IMPACT—None.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Stephanie Williams
Senior Planner

Peter Gilli
Zoning Administrator/
Acting Planning Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

SW-PG/9/CAM
818-12-10-13CR-E

Attachments:
1. Ordinance (see Item 6.1—Attachment 3)
2. City Council Report Dated November 19, 2013

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Amend Chapter 19, Article VIII, Division 5, Section 19.92.1 of the City Code (Second Reading)**

RECOMMENDATION

Adopt AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1, RELATING TO PERMIT PARKING IN PARKING DISTRICT NO. 2 PARKING LOTS. (First reading: 5-2; Bryant, Siegel no)

SUMMARY

On November 19, 2013, the City Council approved an ordinance amending Chapter 19, Article VIII, Division 5, Section 19.92.1, relating to Permit Parking in Parking District No. 2 parking lots. Currently, the ordinance specifies which parking lots and levels in the parking structures are designated for nonpermit and permit holders. The amendment would allow the City Traffic Engineer to designate where permit holders can park within the Parking District and help with the overall efficiency of the Downtown Parking District—Permit Parking Program.

FISCAL IMPACT—None.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Tiffany Chew
Business Development Specialist

Alex Andrade
Economic Development Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

TC-AA/7/CAM/822-12-10-13CR-E

Attachment: 1. Ordinance

Attachment 1

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE VIII, DIVISION 5, SECTION 19.92.1, RELATING TO PERMIT PARKING IN PARKING DISTRICT NO. 2 PARKING LOTS

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

Section 1. Section 19.92.1, "Permit Parking in Parking District No. 2 Parking Lots," Division 5, Article VIII, Chapter 19, of the Mountain View City Code is hereby amended as follows:

"**SEC. 19.92.1. Permit parking in Parking District No. 2 parking lots.**

Designation of permit parking areas. The city traffic engineer is authorized to set aside and designate all, none or any portion of any publicly owned or operated parking structures and lots within Parking District No. 2 for permit and nonpermit parking and the city manager is authorized to issue permits therefor as provided by this section.

Nonpermit and permit parking lots. Permit and nonpermit parking shall be allowed as designated by the city traffic engineer in those parking lots located within Parking District No. 2 which are designated as Parking Structures 1 and 3 and Parking Lot Nos. 6, 7, 8, 9, 11 and 12 by Sec. 19.95 of this chapter.

Issuance of permits by city manager. The city manager or his designee may issue parking permits upon application therefor and upon payment of a fee in an amount or amounts to be determined from time to time by resolution of the city council. The total number of permits to be issued shall be that number which the city traffic engineer determines will not substantially impair the use of such lots in the aggregate by nonpermit holders.

Persons to whom permits may be issued. Permit may either be issued to: (a) persons who reside in a building or structure located within Parking District No. 2; (b) persons who operate businesses which are located within Parking District No. 2. In the case of businesses, the operator of a business may request those number of permits as are needed for use by the operator and/or by the operator's employees, and/or by the operator's customers; or (c) employees of businesses within Parking District No. 2. In the case of employees, permits may be sold individually to an employee. In issuing permits to such businesses, the city may issue only that number of permits which the city traffic engineer determines will not substantially impair the use of all parking lots in the aggregate by other permit holders or by nonpermit holders. The operator of a

business shall then distribute the permits to the operator's employees and/or customers. Each permit shall be affixed and displayed pursuant to the regulations promulgated by the city manager or his designee. Such permit may contain such other instructions as to its use as may be deemed appropriate by the city traffic engineer."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. 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 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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TC/5/ORD
822-11-19-13o-E

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **100 Moffett Boulevard Residential Development (Second Reading)**

RECOMMENDATION

Adopt AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 100 MOFFETT BOULEVARD FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) DISTRICT TO THE P (PLANNED COMMUNITY) DISTRICT. (First reading: 5-2; Siegel, McAlister no)

SUMMARY

On December 3, 2013, the City Council introduced an ordinance for a Zoning Map Amendment, and approved a Planning Community Permit for a 184-unit, two- to four-story residential development and a Heritage Tree Removal Permit to remove 14 Heritage trees at 100 Moffett Boulevard.

This is the second reading of the ordinance (see Attachment 1—Ordinance) for the approval of the Zoning Map Amendment, which is required by City Charter. If approved, the Zoning Map Amendment will become effective on January 9, 2014, 30 days after the second reading.

FISCAL IMPACT – None.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Rebecca Shapiro
Associate Planner

Peter Gilli
Planning Manager (Acting)/
Zoning Administrator

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

RS/5/CAM
803-12-10-13CR-E

Attachment: 1. Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING MAP OF THE
CITY OF MOUNTAIN VIEW FOR THE PROPERTY AT 100 MOFFETT BOULEVARD
FROM THE CRA (COMMERCIAL/RESIDENTIAL-ARTERIAL) DISTRICT
TO THE P (PLANNED COMMUNITY) DISTRICT

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

Section 1. Council Findings. After a Public Hearing, the City Council finds and determines that the following Zoning Map Amendment is consistent with the Mixed-Use Corridor land use designation of the General Plan of the City of Mountain View.

The Council further finds and determines that the following Zoning Map Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed project provides development objectives, standards, and regulations which reflect community goals and values.

The Council further finds and determines that the following Zoning Map Amendment is in compliance with the provisions of the California Environmental Quality Act because an Initial Study and Mitigated Negative Declaration were prepared.

The Council further finds and determines that the site is physically suitable for the requested/anticipated land use development(s) (including, but not limited to, access, provision of utilities/compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development because it places compatible residential uses near existing residential and commercial uses; provides high-density residential near commercial services and multiple transit uses; and the site provides convenient vehicular, bicycle, and pedestrian access with adjacent public streets.

The Council further finds and determines that the following Zoning Map Amendment is in conformity with the procedures set forth in Chapter 36, Section A36.74, of the Mountain View City Code whereby the City may amend the City's Zoning Map, and that the findings for a Zoning Map Amendment required by Section A36.74.050(A)(1-3)(C) as described above, have been made.

Section 2. Zoning Change. The Zoning Map of the City of Mountain View is hereby amended to indicate as follows: the property identified as 100 Moffett

Boulevard with Assessor Parcel Nos. 153-26-036, 153-26-037, 153-28-051, and 153-28-052, and a portion of the contiguous undevelopable Santa Clara County property with Assessor Parcel No. 153-28-054, are hereby rezoned from the CRA (Commercial/Residential-Arterial) District to the P (Planned Community) District, all as is more specifically shown on Exhibit A, attached hereto and incorporated by reference herein.

Section 3. P District Standards. The project site shall comply with the following P District standards:

I. **Compliance with the 2030 General Plan and Zoning Ordinance Required**—Any development proposal within this P District shall require a Planned Community Permit and the standard findings of approval, which includes, but is not limited to, compliance with the 2030 General Plan and any applicable section of the Zoning Ordinance. This document does not limit in any manner the authority of the City to place conditions of approval on any subsequent development applications in this district.

II. **Uses**—Multi-family residential is provisionally allowed. Ground-level commercial uses are provisionally permitted subject to review of parking adequacy and use compatibility. If ground-level commercial uses are added after a project is approved, a separate Provisional Use Permit will be required, subject to an Administrative Zoning Public Hearing.

III. **Floor Area Ratio (FAR)**—1.85 FAR maximum, including any above-grade parking structures. The existing land area required to be dedicated for the Moffett Boulevard right-turn lane and public plaza (below) shall count as site area for FAR calculations.

IV. **Circulation Plan**—Any development proposal under this P District shall be required to implement the following public circulation improvements:

- A public plaza shall be provided at the northwest corner of Central Expressway and Moffett Boulevard.

- The portion of the Stierlin Road right-of-way (ROW), between Central Expressway and Washington Street, shall be converted to a pedestrian/ bicycle-only paseo providing enhanced access between downtown and Stierlin Road and connecting to the public plaza.

- Moffett Boulevard shall be expanded to add a signal-controlled dedicated right-turn lane and striped bicycle lane (requires a minimum dedication of 9′), and allow removal of the uncontrolled right-turn slip lane from southbound Moffett

Boulevard to Central Expressway. (Note: Changes to the Moffett Boulevard vehicle lane striping and median will also need to be constructed to create the right-turn lane.)

- The Moffett Boulevard and Central Expressway crosswalks accessing the northwest corner of the intersection shall be adjusted given roadway changes.

- A mid-block public pathway shall be provided through the site connecting Moffett Boulevard and Central Expressway.

- Project sidewalks shall be connected to the City-constructed sidewalk along the north side of Central Expressway.

V. **Public Benefits**—Public benefits shall at minimum include construction of the on- and offsite mobility improvements included in the P District circulation plan.

VI. **Moffett Boulevard Streetscape**—Pedestrian-friendly streetscape improvements shall be provided along Moffett Boulevard, including a minimum 12′ sidewalk zone comprised of an 8′ public sidewalk and 4′ tree wells along the curb. Building setbacks are required as follows:

- Commercial buildings shall have a minimum 18′ building setback from the face of curb with at least a single row of street trees.

- Residential buildings shall have a minimum 24′ building setback from the face of curb with a double row of trees. Residential buildings should place leasing offices and common amenity rooms with storefront windows along Moffett Boulevard to provide visual interest along the street.

- Portions of residential buildings with active use areas shall be provisionally allowed to use the minimum 18′ commercial building setback with additional landscaping requirements.

- Prominent pedestrian entrances shall be provided along Moffett Boulevard and residential units shall have easy access to the street. Streetscape improvements shall connect to a pedestrian plaza area at the corner of Moffett Boulevard and Central Expressway (see Section XIV (Access) for additional standards).

VII. **Stierlin Road and Washington Street Streetscapes**—Pedestrian-friendly streetscape improvements shall be provided along Stierlin Road and Washington Street, including public improvements for residential sidewalks and landscape planter strips. Building setbacks are required as follows:

- Residential buildings shall have a minimum 24′ building setback from the face of curb with a double row of trees.

- Limited reductions in the Stierlin Road setback may be provisionally allowed to offset land dedications along Moffett Boulevard as long as the reductions do not impact provision of a double row of trees and other landscaping (see Section XIV (Access) for additional standards).

VIII. **Stierlin Paseo Setbacks**—Building setbacks to the effective curb (outside edge of landscape strips between the pedestrian sidewalks and bicycle facility) shall generally conform to the streetscape setbacks for Stierlin Road, except portions of the buildings may be closer to the effective curb as long as a minimum 48′ separation is provided between buildings on both sides of the paseo.

IX. **Side and Rear Setbacks**—Minimum 30′ interior side and rear setbacks should be provided for multi-story structures, depending on proposed building height and adjacencies. Greater setbacks may be required through the Development Review process for all or portions of taller buildings, depending on adjacent residential conditions. Lower or reduced setbacks may be considered on unique sites or where adjacent conditions do not require greater setbacks. A minimum 40′ setback is required to the existing Central Expressway property line near the corner of Moffett Boulevard.

X. **Setback Exceptions**—Streetscape, side, and rear setback exceptions may be considered through a Planned Community Permit, including projections of entirely underground garage area, if streetscape pedestrian features and landscaping requirements are satisfied. A Planned Community Permit is not required for architectural projections and porches with limited encroachment into required setbacks if it is determined these features do not interfere with required sidewalk and streetscape landscaping conditions.

XI. **Building Heights**—Four stories (up to 52′) with a provisional allowance for minor parapet features (up to 55′) to screen rooftop equipment and a partial fifth story (up to 66′) solely for access to rooftop amenities near the intersection of Moffett Boulevard and Central Expressway. A small trellis feature may be considered as part of the rooftop amenities if it helps to screen and is integrated with rooftop projections such as the elevator core. These height limits are measured to adjacent grade.

A maximum two-story facade shall be provided immediately adjacent to residential uses in the R1 Zoning District, and a maximum three-story facade immediately adjacent to residential uses in the R2 Zoning District.

XII. **Building Mass Reduction**—A "building wall" or "canyon effect" shall be avoided through the use of building separation, building articulation, upper-floor setbacks, and maximum building lengths, as determined on a case-by-case basis through the Development Review process. This shall also apply to sensitive transitions where buildings may be required to be lower height, such as two or three stories when adjacent to lower-intensity residential development.

XIII. **Common Open Space**—150 square feet of common open space per unit. Rooftop amenities are provisionally allowed and can be part of the 150 square foot common open space per unit, with special consideration of potential off-site impacts. A variety of open spaces is encouraged (passive, active, etc.).

Setback areas of 25' and greater count toward common open space. Buildings shall be placed and separated in a manner that provides views of major common open spaces from public streets or pathways. Some of the common open space should be provided in the form of plaza or landscape area along Moffett Boulevard that is accessible to the public.

XIV. **Access**—Safe and efficient pedestrian, bicycle, and vehicular access shall be provided. There shall be clear pedestrian and bicycle access into, along, and within the project site in keeping with walkability features of the adjacent downtown and residential areas. This shall include, but is not limited to, public pedestrian access through the project site connecting Moffett Boulevard and Stierlin Road at approximately the mid-point between Central Expressway and Jackson Street. Bicycle improvements shall provide bidirectional access between downtown and the Stierlin Road Bike Boulevard along the project frontage.

Garage access should be from side streets rather than Moffett Boulevard to limit conflicts with vehicle operations. Curb cuts at public streets should be minimized and aligned with controlled intersections, to the extent feasible, to reduce pedestrian and bicycle conflicts.

XV. **Vehicle Parking**—One space for studio/one-bedroom units; two spaces for two-plus bedroom units. Fifteen (15) percent of the required parking shall be accessible for guests. Stacker parking may be added in addition to the minimum required parking.

XVI. **Bicycle Parking**—Convenient Class 1 bicycle parking for residents, one parking space per unit (as required by City Code), located in the secured parking

garage or in other secured rooms in the building (space provided within a unit does not count). Guest bicycle parking of 1 space per 10 units (as required by City Code). Given the proximity of high-quality bicycle facilities, at-grade resident bicycle parking is strongly encouraged.

XVII. **Transportation Demand Management (TDM)**—Projects shall provide car-sharing spaces or programs, transit pass subsidies, and informational resources.

Transit pass subsidies shall be fixed cash-value amounts (per month or year) at least equivalent to a VTA Eco Pass. Subsidies shall be provided to every new resident for a three-year term. Approved TDM programs and transit pass subsidies shall be ongoing unless the developer requests alternative TDMs approved by the Zoning Administrator through a Public Hearing.

XVIII. **Green Building**—Minimum 120 point GreenPoint rated for residential buildings. Minimum LEED Silver for retail spaces.

XIX. **Signage**—Appropriate signage area as determined by the Zoning Administrator through an administrative Development Review Permit process.

XX. **Heritage Trees**—It is acknowledged that on-site Heritage trees are difficult to retain for high-density projects with podium/underground parking garages. Every effort shall be made to retain or transplant existing Heritage trees on-site. Replacement trees will be required to be planted at a minimum 3:1 ratio and minimum 24" box size.

Section 4. Effective Date. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. 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 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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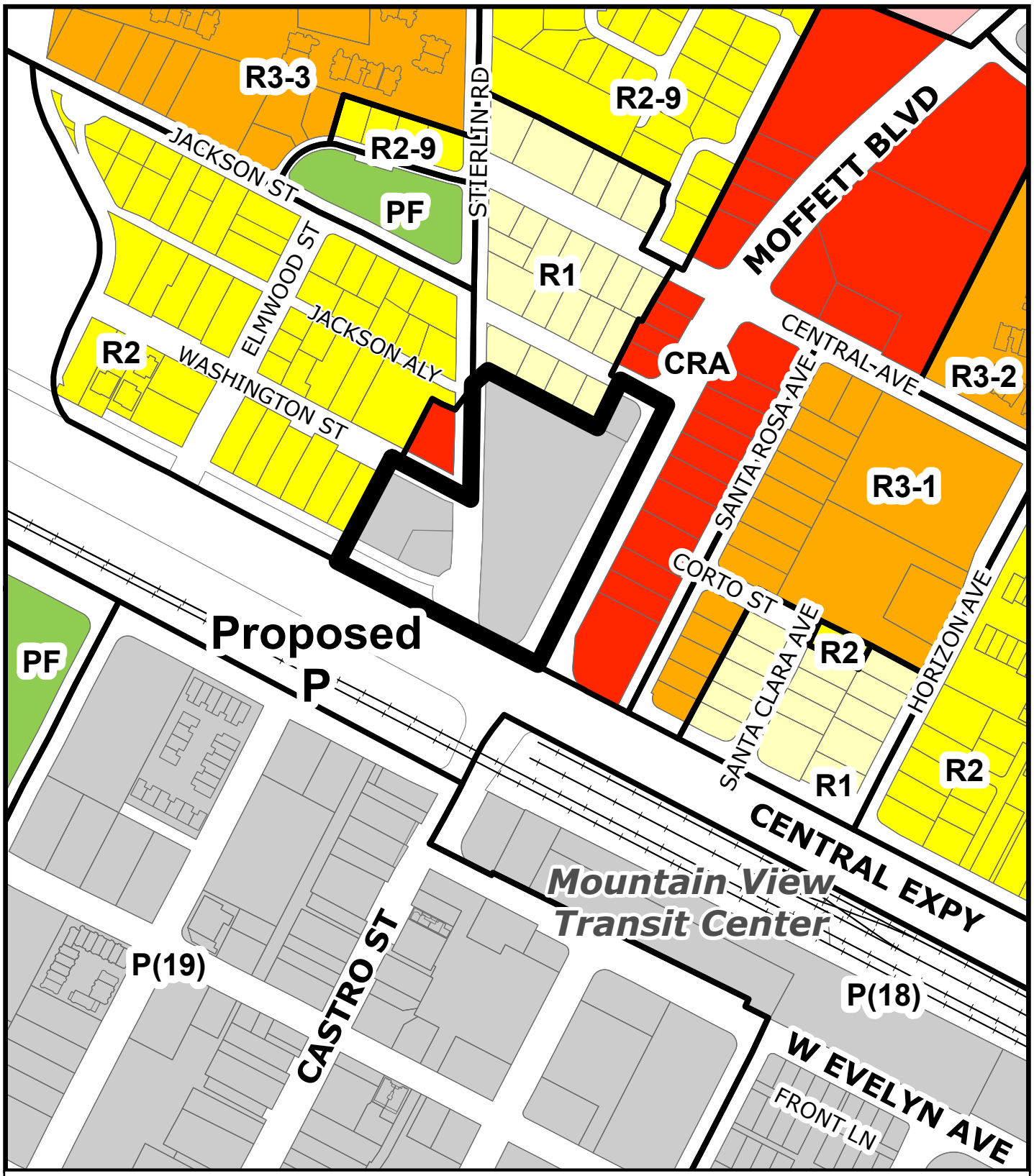
RS/7/ORD
803-12-03-13o-E

Exhibit A



Community Development Department
CITY OF MOUNTAIN VIEW
(650) 903-6306 Mountain View, CA 94043 Santa Clara County

0 200 400 600 Feet

N

Proposed Rezoning: 100 Moffett Boulevard

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Ordinance to Repeal Chapter 36 (Zoning Ordinance) and Add a New Chapter 36 (Second Reading)**

RECOMMENDATION

Adopt AN ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE) IN ITS ENTIRETY AND ADD A NEW CHAPTER 36 TO THE MOUNTAIN VIEW CITY CODE. (First reading: 6-1; Inks no)

SUMMARY

On December 3, 2013, the City Council introduced an ordinance repealing Chapter 36 (Zoning Ordinance) and adding a new Chapter 36 of the Mountain View City Code. The ordinance approves minor text amendments and the reorganization of the chapter to increase clarity, flexibility of development standards, and usability of the chapter in all formats. This is the second reading of the ordinance, which is required by the City Charter. If approved, the ordinance will become effective 30 days after the second reading, on January 9, 2014.

FISCAL IMPACT—None.

PUBLIC NOTICING

Agenda posting and a copy of this report on the City website.

Prepared by:

Lindsay Hagan
Associate Planner

Peter Gilli
Planning Manager (Acting)/
Zoning Administrator

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

LH-PG/7/CAM
823-12-10-13CR-E

Attachment: 1. Ordinance

ORDINANCE NO.

AN ORDINANCE TO REPEAL CHAPTER 36 (ZONING ORDINANCE)
IN ITS ENTIRETY AND ADD A NEW CHAPTER 36
TO THE MOUNTAIN VIEW CITY CODE

WHEREAS, the amendments are consistent with the land use policies and action plan of the 2030 General Plan, requesting improved accessibility to City documents, increasing availability of resources through emerging technologies, and updating the Zoning Ordinance to address outdated or inconsistent policies;

WHEREAS, the amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendments increase flexibility of development regulations for residents and businesses, update old and outdated references, implement measures of the 2007-2014 Housing Element, and improve accessibility and transparency of zoning regulations;

WHEREAS, the amendments are internally consistent with Chapter 36 (Zoning Ordinance) and the City Code; and

WHEREAS, the proposed amendments are in compliance with the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City Council of the City of Mountain View has reviewed and considered the recommendation of the Environmental Planning Commission for the text amendments and reorganization of Chapter 36 of the Mountain View City Code;

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

Section 1. Chapter 36 of the Mountain View City Code is hereby repealed in its entirety and a new Chapter 36 shall be added, to read as follows:

"**CHAPTER 36.**
ZONING.

ARTICLE I. SHORT TITLE AND PURPOSE.

DIVISION 1. TITLE.

SEC. 36.02. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Mountain View."

DIVISION 2. PURPOSE OF ZONING ORDINANCE.

SEC. 36.02.05. Purpose of zoning ordinance.

There is hereby adopted, as provided herein, a zoning ordinance for the City of Mountain View, State of California, said ordinance being based on the General Plan for the City of Mountain View and enacted in order to promote the public health, safety, morals, comfort and general welfare throughout said city.

Said zoning ordinance recognizes the opportunities available in the City of Mountain View to obtain through land use controls, an urban environment of high quality without making necessary unduly high public or private expenditures for development and without unduly restricting private enterprise or initiative.

SEC. 36.02.10. Principles of the zoning ordinance.

Said zoning ordinance, in order to obtain the greatest benefits from the opportunities which exist in the City of Mountain View, has been prepared in accordance with the following principles:

a. The zoning ordinance is based on the Mountain View General Plan with respect to the general pattern of future land uses and the principles for future land development expressed in said plan.

b. The zoning ordinance recognizes the importance to the community of all legitimate uses of land. The zoning ordinance further recognizes the need of all such uses to be protected from other uses which are unrelated or incompatible. Thus, each district is exclusive with respect to every other zoning district in the ordinance, and industrial zoning districts are protected from encroachment by residential uses as firmly as residential districts are protected from industrial encroachment.

c. The zoning ordinance recognizes the importance to the public welfare of well-designed and properly integrated developments in all districts of the city. The ordinance implements this principle through provisions for the review of the design of many structures and buildings, and by provisions to require site plan and landscaping review. It is not the intent of such provisions or regulations to stifle individual initiative or control individuals' taste by forcing adherence to any particular style of design, but

rather to provide the minimum amount of direction necessary to encourage orderliness of development and appearance throughout the city.

d. Site area, yard, off-street parking and other standards are based on the best accepted contemporary practice, rather than on past practices, since the zoning ordinance will control development for years in the future. A variance from the strict application of the standards in the ordinance is available where compliance under special conditions would cause undue hardship and results inconsistent with the objectives of this ordinance.

e. Uses which would adversely affect adjoining uses or the public welfare, unless regulated in a particular way or permitted only on certain conditions, may be allowed as "conditional uses" subject to review by the zoning administrator.

f. Industrial uses are subject to control by performance standards. This method enables potential nuisances to be measured factually and objectively in terms of the nuisance itself and protects any industry from arbitrary exclusion or persecution based solely on the characteristics of uncontrolled production in this type of industry in the past.

SEC. 36.02.15. Regulations.

Said zoning ordinance consists of the establishment of various zoning districts within the incorporated territory of said City of Mountain View, within which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings, within which certain open spaces shall be required about future buildings, and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

SEC. 36.02.20. Provisions.

In their interpretation and application, provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other rules or regulations or ordinances, the provisions of this ordinance shall control.

SEC. 36.02.25. Graphics, pictures and diagrams.

Graphics, pictures and diagrams are provided in this ordinance to clarify written text. In the case of conflict between the graphic representations and written text within this ordinance, the written text in this ordinance shall govern.

SEC. 36.02.30. Section and permit process references.

Chapter 36 of the Mountain View City Code, the zoning ordinance, has been updated and reformatted. Various references to section numbers of this code included in the ordinance, especially to sections that begin with the designation "36" or "A36" may refer to text that has been reformatted, updated or otherwise amended and renumbered. All such references to section numbers in this chapter should be checked against the table of updated numbers found as Appendix A of this ordinance. All references to review and permit processes contained in this chapter or enforcement shall be considered to refer to the equivalent named sections identified in the contents of this chapter. In event of any question about the applicability of a specific section or section reference, the zoning administrator shall make the final determination. The applicant may request a written copy of the zoning administrator's determination of the applicability of sections or section references pertaining to this chapter.

ARTICLE II. ESTABLISHMENT OF DISTRICTS AND ZONING MAPS.

DIVISION 1. ZONING DISTRICTS ESTABLISHED.

SEC. 36.04. Zoning districts established.

Mountain View shall be divided into zoning districts that consistently implement the General Plan. The following zoning districts are established, and shall be shown on the official Zoning Map:

RESIDENTIAL ZONES	MAP SYMBOL	SEE SECTION
Residential—Single-Family	R1	May include a suffix (e.g., R1-7); 36.10.10
Residential—One- and Two-Family	R2	May include a suffix (e.g., R2-9); 36.10.40
Residential—Multiple-Family	R3	Always includes a suffix (e.g., R3-2); 36.10.60
Residential—High-Density Multiple-Family	R4	36.12
Mobile Home Park	RMH	36.12.15
Commercial Zones		
Commercial—Neighborhood	CN	36.18.35
Commercial—Office	CO	36.18.40

Commercial/Residential—Arterial	CRA	36.18.45
Commercial—Service	CS	36.18.55
Industrial Zones		
Limited Industrial	ML	36.20.25
General Industrial	MM	36.20.35
Special Purpose Zones		
Planned Community	P	36.22
Agricultural	A	36.24
Public Facility	PF	36.24.35
Flood Plain	F	36.26
Interim	U	36.26.35
Overlay Zones		Always preceded with a primary zoning district designation (e.g., R1-H1)
Height Limitation	-H	Always includes a suffix (e.g., R1-H1S); 36.26.65
Neighborhood Design	-ND	36.26.80
Special Design	-SD	36.26.85
Transit	-T	36.26.90

DIVISION 2. ZONING MAP ADOPTED.

SEC. 36.04.05. Zoning map adopted.

a. The boundaries of the zoning districts established by Sec. 36.04 shall be shown upon the map designated as the "City of Mountain View Zoning Map" (hereafter referred to as the "zoning map"), on file with the city clerk, and available at the community development department.

b. The zoning map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the map has been adopted by the council in compliance with Government Code §65800, et seq., and is hereby incorporated into this chapter by reference.

c. The zoning map shall implement the adopted general plan, specifically including the general plan land use map.

d. Amendments to the zoning map shall follow the process established in Sec. 36.52.35 (Zoning Amendments).

ARTICLE III. GENERAL REGULATIONS, SPECIAL PROVISIONS, EXCEPTIONS AND INTERPRETATIONS.

DIVISION 1. GENERAL.

SEC. 36.06. Zoning district regulations—General.

a. **Purpose.** Sec. 36.10.05 (Residential Districts), 36.18.05 (Commercial Districts), 36.20.05 (Industrial Districts), 36.22, 36.24, 36.24.35, 36.26, and 36.26.35 (Special Purpose Zones), determine which land uses are allowed in each zoning district, what zoning permit is required to establish each use and the basic development standards that apply to allowed land uses in each of the zoning districts established by Sec. 36.04 (Zoning Districts Established).

b. **Conflicts between provisions.** In the event of any conflict between the following zoning district regulations and other requirements of this chapter, the regulations more specific to the type of use or structure shall control.

c. **Single parcel in two zoning districts.** In the event two (2) or more parcels under different zone districts are proposed to be consolidated through the approval of a lot line adjustment, parcel or tentative map in compliance with Chapter 28 of the City Code (Subdivisions), resulting in a single parcel covered by two (2) or more zoning districts, an application to rezone the resulting parcel to a single zoning district shall be made prior to completion of the lot line adjustment, parcel or tentative map. In the event that the consolidated single-zoned parcel would not result in greater neighborhood compatibility and a superior site layout, the decision-making body may allow a single parcel covered by two (2) or more zoning districts.

d. **Measurements, calculations.** Explanations of how height limits, site coverage requirements and floor area ratios (FAR) apply to sites and projects are in the Zoning Calculations: Methods, Definitions and Clarifications handout, in the community development department.

e. **Compliance with this chapter.** Except as otherwise provided in this chapter, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises are located; and no building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district,

except in conformity to the development regulations hereinafter designated for the district in which such building is located.

SEC. 36.06.05. Disaster container accessory structures.

Disaster storage container accessory structures shall conform to this chapter and City Code Sec. 25.5 and shall obtain all proper permits for installation.

SEC. 36.06.10. Unsafe buildings.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority, except as limited in Sec. 36.06.60.

SEC. 36.06.15. Pending building permits.

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of this chapter, and the construction of which, conforming with such plans, shall have been started prior to the effective date of this chapter and completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder's control.

SEC. 36.06.20. Building permits and all other land use entitlements during rezoning or zoning amendments.

Following the initiation of a rezoning, precise plan, adoption or amendment, or a zoning amendment by the environmental planning commission or the city council or a property owner and prior to its adoption by the city council, no building permit or zoning permit or any other land use entitlement, except as specifically exempted herein, shall be issued for construction or use on said property unless the proposed construction and use shall conform to both the existing zoning regulations and the proposed zoning regulations for said property.

a. **Zoning Actions**. For purposes of this section, the following proposed or pending zoning actions shall be subject to this section:

1. Adoption of or amendments to a precise plan, area plan, or any other specific plan; or

2. Reclassification of property from one zoning district to another ("rezoning"); or

3. Amendment(s) to regulations or design criteria within a zoning district, or to general and special provisions, exceptions and interpretations as set forth in this chapter.

b. **Exceptions**. The following activities shall be excepted from the restrictions of this section, provided that such activities shall remain subject to the usual application process, and the applicant demonstrates to the satisfaction of the chief building official or zoning administrator, as appropriate, that the requested changes are minor and incidental and will not materially affect the purposes or intent of the zoning action:

1. Minor interior or exterior modifications for existing uses with no change in the entity exercising the use; or

2. Minor modifications and/or improvements to landscaping; or

3. Minor changes in existing signs, including changes to the face of an existing sign.

SEC. 36.06.25. Existing lots of record.

Any lot which conformed to law at the time of its creation, and any lot legally created prior to annexation to the city may be used as a building site even when said lot or parcel is of less area or width than required by the regulations for the district within which it is located which are applicable at the time of its development; provided, however, that all other regulations of such district shall apply to such lots or parcel.

DIVISION 2. ALLOWABLE LAND USES AND PERMIT REQUIREMENTS.

SEC. 36.06.30. Allowable land uses and permit requirements.

SEC. 36.06.35. Restriction on new land uses.

No use of land or structures shall be established, constructed, reconstructed, altered, allowed or replaced unless:

a. The land use is identified by as being allowable in the zoning district applied to the site;

b. Any zoning permit required by this chapter is obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Sec. 36.06.50, exemptions from land use permit requirements. The zoning permit requirements of this chapter are established by Sec. 36.10.05 (Residential Zones), 36.18.05 (Commercial Zones), 36.20.05 (Industrial Zones), 36.22, 36.24, 36.24.35, 36.26 and 36.26.35 (Special Purpose Zones).

In determining whether to grant a zoning permit, the reviewing authority, as specified in Article XVI, shall consider an analysis of the fiscal impacts of the development covered by any application involving two (2) or more acres of land that proposes to change the allowed type or quantity of development or change the allowed land uses. The fiscal analysis shall, at the minimum, evaluate the change in revenues paid to the city by the uses or development proposed to be allowed compared to the uses or development currently permitted. The fiscal analysis may be expanded to cover additional detail or the fiscal impact on other agencies if the basic analysis indicates that the potential fiscal impacts may have a significant impact on the city or other agencies. If the reviewing authority, established by Article XVI, is other than the city council, any project application with a potentially adverse fiscal impact shall be referred to the city council for final action on the zoning permit;

c. The use is in compliance with all other applicable requirements of this chapter including, but not limited to, the development standards of this chapter; and

d. The use is in compliance with any applicable site design conditions imposed by previous land use approvals.

SEC. 36.06.40. Determination of allowable land uses.

Any questions about whether a proposed land use is allowed in a particular zoning district by Sec. 36.10.05 (Residential Zones), 36.18.05 (Commercial Zones), 36.20.05 (Industrial Zones), 36.22, 36.24, 36.24.35, 36.26 and 36.26.35 (Special Purpose Zones), shall be resolved by the zoning administrator in compliance with Sec. 36.58.30 (Procedures for Interpretation), except that land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation). Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

SEC. 36.06.45. Temporary uses.

Requirements for establishing a temporary use are in Sec. 36.46 (Temporary Use Permits).

SEC. 36.06.50. Exemptions from zoning permit requirements.

The zoning permit requirements of this chapter do not apply to the following activities, land uses and structures, which are permitted in all zoning districts.

a. **Accessory structures with less than one hundred twenty (120) square feet in floor area.** One-story detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet, and the structure is not required to have building or grading permits by Chapter 8 (Buildings) of the City Code. However, the floor area shall count toward the allowed floor area for the parcel and the structure(s) shall comply with Sec. 36.12.35.

b. **Decks, paths and driveways.** Decks, platforms, on-site paths and driveways that are not required to have building or grading permits by Chapter 8 (Buildings) of the City Code, and are not over eighteen (18) inches above natural grade and not over any basement or story below.

c. **Fences—R1 and R2 zoning districts.** The following types of fences in the R1 and R2 zoning districts are exempt from zoning permit requirements. Allowed fence heights and locations are illustrated in Figure 36.06-1 (Fence and Wall Standards).

1. **Interior lots.** Fences up to three (3) feet in height when located within the required front yard, or up to six (6) feet in height located on rear or side property lines outside the required front yard, and entry features over front yard gates (e.g., open-latticed arbors and trellises) not exceeding eight (8) feet in height, three (3) feet in depth or five (5) feet in width, when located within the required front yard.

2. **Corner lots.**

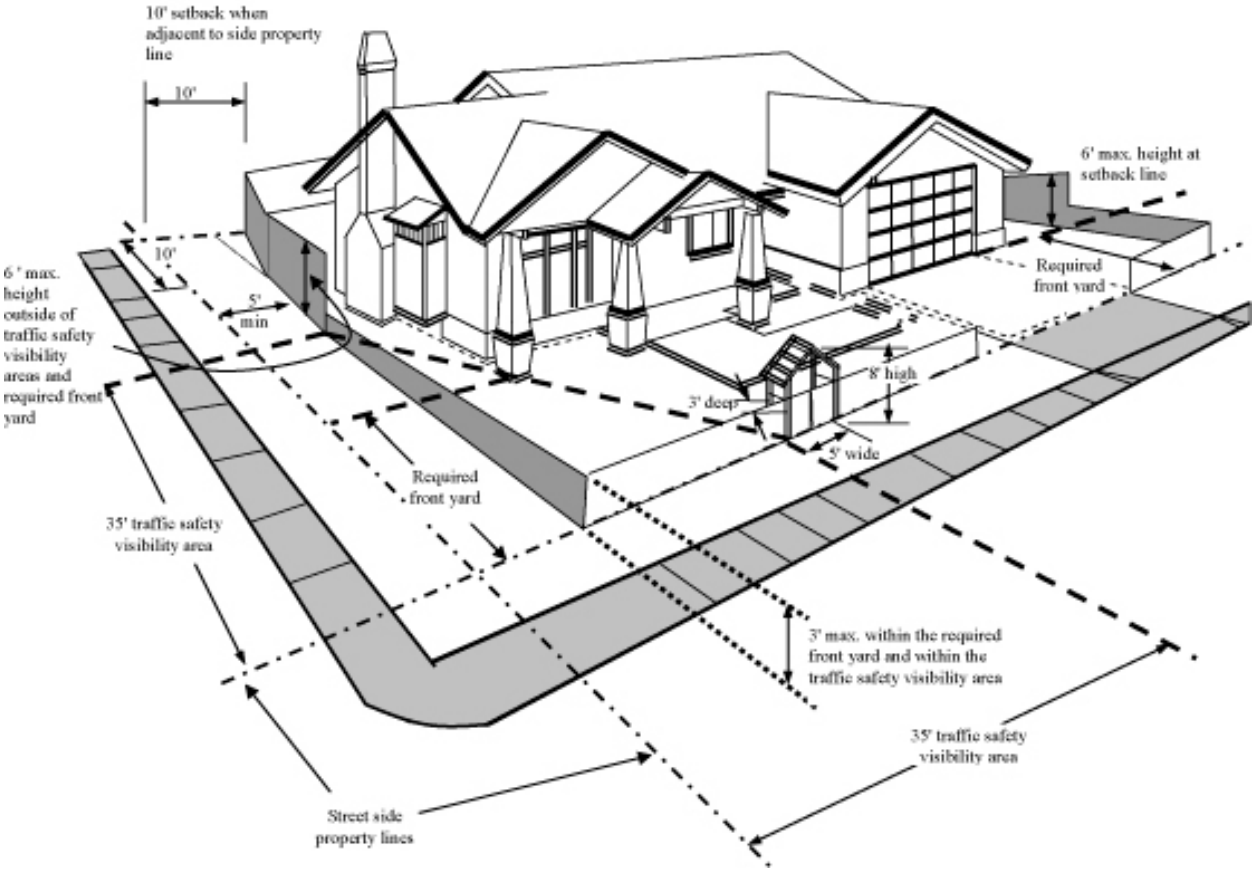
(a) Fences up to three (3) feet in height within the required front yard and traffic safety visibility areas—front and side (or rear). The front traffic safety visibility area is formed by measuring thirty five (35) feet from the intersection of the street side property line and the front property line of the corner parcel, along both property lines, and then connecting the two (2) points across the corner of the lot;

(b) Entry features over front yard gates (e.g., open-latticed arbors and trellises), not exceeding eight (8) feet in height, three (3) feet in depth or five

(5) feet in width, when located within the required front yard but outside the traffic safety visibility areas; and

(c) Fences up to six (6) feet in height located on rear and side property lines outside the required front yard and traffic safety visibility areas, and at least five (5) feet from the street side property line. Further, fences over three (3) feet in height adjacent to the side street property line shall be set back where the side street fence approaches an adjacent lot's front yard in order to create a side (or rear) triangular traffic safety visibility area for the adjacent lot at the side (or rear) of the corner parcel. This triangle is formed by measuring ten (10) feet from the intersection of the street side property line of the corner parcel and the side property line of the adjacent parcel, along both property lines, and then connecting the two (2) points across the corner parcel. See Figure 36.06-1.

Figure 36.06-1
FENCE AND WALL STANDARDS
(For Reference Only)



d. **Governmental activities.** Activities of the city, state or an agency of the state, or the federal government on land owned or leased by a governmental agency.

e. **Irrigation**. The installation of irrigation lines.

f. **Interior remodeling.** Interior alterations that do not result in an increase in the gross floor area within the structure, or a change in the permitted use of the structure.

g. **Repairs and maintenance.** Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repairs employ the same materials and design as the original.

h. **Retaining walls.** Retaining walls (retaining earth only) that result in grade changes of eighteen (18) inches or less and are not required by Chapter 8 of the City Code to have a grading permit.

i. **School facilities.** Public school facilities, in compliance with Government Code§53091, et seq., except where a site is proposed to be occupied exclusively by nonclassroom facilities.

j. **Single- and two-family dwellings.** The construction of four (4) or fewer single-family dwellings or two (2) duplexes and the remodeling of single-family or duplexes in the R1 and R2 zoning districts, provided that the proposed development is in compliance with all applicable provisions of this chapter, except as provided in Sec. 36.10.30 (Development Review Required, R1 Zone), 36.10.55 (Development Review Required, R2 Zone) and 36.10.80 (Development Review Required, R3 Zone).

k. **Solar collectors.** The addition of solar collection systems to the roofs of existing structures, provided that the collectors are located on ground level and screened from ground level public view or, if roof-mounted, are mounted at approximately the same angle as the roof. Solar collectors must comply with the height limitations of the zoning district in which they are located.

l. **Spas, hot tubs and fish ponds.** Spas, hot tubs, ponds, etc., that do not exceed one hundred twenty (120) square feet in total surface area, including related equipment, contain more than two thousand (2,000) gallons of water, or exceed three (3) feet in depth.

m. **Utilities.** The erection, construction, alteration or maintenance by a public utility, public agency or private company determined by the city to fulfill a public function of underground or overhead utilities (i.e., water, gas, electric,

telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including occupiable or storage structures, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) having the potential of fifty thousand (50,000) volts or more shall be subject to council review and approval prior to acquisition of rights-of-way.

n. **Antenna, communication facilities.** Communication facilities and antenna, as defined in Sec. 36.60.03, are allowed in all zoning districts subject to a development review permit (Sec. 36.44.45) and shall comply with the development standards for the applicable district, except that they are prohibited on any R1 or R2 zoned property used primarily for a single-family residence. This section shall apply to any facility proposed within a city zoning district, including the city's rights-of-way. All of the aspects enumerated in Government Code §65850.6(b) (which include, but are not limited to, aesthetics, design, height, location, bulk and size) will be considered given the facts and circumstances of each proposed facility and its compatibility with the neighborhood and adjacent uses.

SEC. 36.06.55. Other permits may still be required.

A permitted land use that is exempt from a zoning permit, or has been granted a zoning permit may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this chapter shall eliminate the need to obtain any permits or approvals required by other provisions of the City Code including, but not limited to, building, grading or other construction permits if they are required by Chapter 8, a business license if required by Chapter 18, hazardous materials storage permits if required by Chapter 24, subdivision approval if required by Chapter 28, or any other permit required by a regional, state or federal agency. All necessary permits shall be obtained before starting work or establishing new uses.

DIVISION 3. NONCONFORMING USES AND STRUCTURES.

SEC. 36.06.60. Nonconforming uses and structures.

SEC. 36.06.65. Continuing existing uses.

Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this chapter, may be continued even though such use, building or structure may not conform with the provisions of this chapter for the district in which it is located; provided, however, that this section does not apply to any use, building, or structure established in violation of any zoning ordinance previously in effect.

SEC. 36.06.70. Nonconforming uses and nonconforming structures.

Existing uses and structures which do not conform to the regulations of the district where they are located shall be subject to these specific regulations in addition to the general regulations of the particular district in order to ensure that such uses and structures are not detrimental to the community, and to provide for their gradual elimination or improvement in order to further the general plan and overall goals of the city for orderly community development.

SEC. 36.06.75. Nonconforming uses of land.

The nonconforming use of land not involving any building or structure except minor structures, such as fences and signs, or buildings less than four hundred (400) square feet in area, may be continued for a period of five years from the date the use becomes nonconforming, at the end of which period such nonconforming use shall cease or shall be changed to a conforming use.

Where a nonconforming use on a lot has ceased for six (6) months or more, such lot shall not again be used for a nonconforming use. Nonconforming use of land as used in this section shall include the use of either unimproved land or land containing minor structures such as fences, signs or buildings less than four hundred (400) square feet in area.

SEC. 36.06.80. Nonconforming uses of structures or buildings.

a. The nonconforming use of any commercial, industrial or office building located in an "R" district, or in an area designated for residential use in the Mountain View general plan shall be terminated within forty (40) years of the date the use became nonconforming, unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Sec. 36.48 (Conditional Use Permit) to authorize the continuation of such use.

In considering whether or not such a permit may be issued, in addition to procedures and criteria contained in Sec. 36.48 (Conditional Use Permit), the following criteria shall be applied:

1. The degree to which the use serves a need, which is directly related or complementary to permitted uses of the property;

2. The degree to which the nonconforming use creates parking, traffic or congestion problems;

3. The degree to which the nonconforming use can be assured not to be detrimental to the habitability of adjacent properties throughout the period of its continued use; and

4. The degree to which the general appearance will not detract from the neighborhood character or desirability.

b. The use of a nonconforming residential building or mobile home, located in a "C" or "M" district shall be allowed to continue for the structural life of the building.

c. The nonconforming use of a conforming building or structure may be continued for a period of five (5) years from the date the use becomes nonconforming, at the end of which period such nonconforming use shall be changed to a conforming use or be terminated.

d. No existing building, structure or land devoted to a nonconforming use shall be enlarged, extended, reconstituted or substituted, or substantially altered, unless the use thereof is changed to a permitted use in the district in which such building, structure or land is located, except as follows:

1. When authorized by the zoning administrator and in accordance with the provisions of Sec. 36.48 (Conditional Use Permit), a nonconforming use may be changed to a use of the same or more restrictive nature.

2. When authorized by the zoning administrator and in accordance with the provisions of Sec. 36.48 (Conditional Use Permit), a nonconforming use of a building may be extended throughout those parts of the building which were manifestly designed or arranged for such use prior to the date when such use or such building became nonconforming, if no structural alterations, except for those required by law, are made therein.

3. When authorized by the zoning administrator and in accordance with the provisions of Sec. 36.48 (Conditional Use Permit), minor alterations to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the residential unit.

e. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

f. If the nonconforming use of a building, structure or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure or premise shall thereafter be used only for uses permitted in the district in which it is located.

g. Where a structure or building containing a nonconforming use is damaged or destroyed by any natural disaster or accident and repair or replacement exceeds fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building inspector) it shall not be reconstructed to accommodate a nonconforming use. It may only be restored and used in conformity with the provision of the district.

h. All uses nonconforming at the time of adoption of this chapter, by reason of noncompliance with the performance standards stipulated, shall adopt necessary measures and conform within three (3) years of the adoption of this chapter or shall be discontinued.

i. All uses, nonconforming by reason of noncompliance with the provisions related to private swimming pools, shall be made to conform therewith prior to April 1, 1971.

SEC. 36.06.85. Nonconforming structures or buildings.

a. Any nonconforming commercial, industrial or office building located in an "R" district or in an area designated for residential uses in the Mountain View general plan shall be removed within forty (40) years of the date the building or structure became nonconforming unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Sec. 36.48 (Conditional Use Permit), to authorize the continuation of the building or structure.

b. Any nonconforming residential building, structure or mobile home located in a "C" or "M" district shall be allowed to continue for the structural life of the building, structure or mobile home.

c. Any expansion of a nonconforming building or structure must comply with the latest applicable property development standards of the district and not increase the degree of nonconformity which exists on the property.

d. Such repairs and maintenance may be made to a nonconforming building or structure as required to keep it in safe condition provided no structural alteration or replacement shall be made except as required by law or ordinance.

e. An existing nonconforming building or structure which is damaged by natural disaster or accident and the cost of restoration does not exceed fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building official) may be restored and used as before, provided that such restoration be completed within one (1) year of such happening. Where damage exceeds fifty (50) percent, such building may only be restored or replaced in accordance with the latest applicable property development standards of the district except as provided in Sec. 36.06.80.f.

f. If a nonconforming residential development located in any residential district is destroyed by any natural disaster or accident by more than fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building official), the building or structure may be reconstructed within one (1) year of such happening with the same number of units, provided that the reconstructed portions conform to the latest property development standards of the district applicable to the total number of units on the site at the time of reconstruction (e.g., R3 development standards must be complied with of any development having three (3) or more units).

g. When authorized by the zoning administrator in accordance with the provisions of Sec. 36.48 (Conditional Use Permit), minor alterations to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the residential unit.

h. When a development does not meet development standards of the zone, modifications which bring the development more into conformance with the zone may be permitted with development review approval.

i. If an existing nonconforming structure in the R1 district is expanded such that the expanded structure is more than twice the size of the original structure, the entire structure must comply with the latest applicable property development standards of the district.

SEC. 36.06.90. Development of a remnant parcel.

A nonconforming remnant parcel or parcels, as defined in Sec. 36.48 (Conditional Use Permit), which is merged with a contiguous developed parcel, may, after merger of these parcels, be developed or redeveloped at a density equal to the legal nonconforming density of the previously developed parcel. Except as specifically exempted herein, such development of the remnant parcel shall comply with all other

applicable sections of this chapter. The development shall not result in an overall reduction of existing landscaping, amenities or parking.

SEC. 36.06.95. Nonconforming signs.

All signs, billboards or commercial advertising structures except window signs which do not conform to the requirements of this chapter may be continued five (5) years from the date it becomes nonconforming, at which time such nonconforming signs shall be modified to conform to the requirements of this chapter or shall be removed.

All signs, billboards or commercial advertising structures in a planned community (P) district which do not conform to the provisions of the precise plan applicable thereto shall be removed or modified to conform to the provisions of such precise plan by the date, if any, specified in such plan or five (5) years from the date such sign, billboard or commercial advertising structure became nonconforming, whichever is later. Any modification of the standards applicable to a sign, either by ordinance change or by imposition or amendment of the sign standards in a precise plan, shall not be construed as extending the amortization period of any sign which was nonconforming prior to such modification.

Any sign, billboard or commercial advertising structure not removed or brought into conformity with the requirements of this chapter, or any applicable precise plan, by the date specified above, is hereby declared to be a public nuisance and may be abated by the city attorney or other appropriate city official.

DIVISION 4. GENERAL SETBACKS.

SEC. 36.08. General setbacks and fence provisions.

SEC. 36.08.05. Corner setbacks for buildings.

a. **Uncontrolled intersection**. No portion of any building or structure greater than three (3) feet in height located on a corner lot at an uncontrolled intersection may extend within the required setback along either street frontage or within a line with a radius equivalent to the street corner radius tangent to these two (2) setback lines.

b. **Controlled intersection**. A building or structure, or any portion thereof, greater than three (3) feet in height located on a corner lot at a controlled intersection must comply with the required setbacks along either street frontage and may not extend beyond the intersection point of the two required setbacks.

SEC. 36.08.10. Unlawful erection of buildings in setback zones.

It shall be unlawful for any person, firm or corporation to erect, construct, or locate, or contract for the erection, construction or location of any building or other structure, excepting fences three (3) feet in height or less above grade and signs erected or installed pursuant to the provisions of this chapter within any setback line as established herein, and the zoning administrator, city council or building inspector shall refuse to issue a permit for the construction or erection of any building or structure within such setback contrary to provisions of this chapter.

SEC. 36.08.15. Storage of habitable trailer in setback prohibited.

Habitable trailers shall not be stored or parked within any required street setback area in any office, commercial or industrial zone except where limited display areas may be permitted by the zoning administrator, using the conditional use permit procedure under Sec. 36.48.

SEC. 36.08.20. Fences and walls—Nonresidential property.

In all nonresidential districts, in required yards other than front yards and street setback areas, fences and walls may not exceed seven (7) feet in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

DIVISION 5. INTERPRETATIONS, EXCEPTIONS AND CALCULATIONS.

SEC. 36.08.25. Interpretations and exceptions.

The requirements and regulations specified in this chapter shall be subject to the following exceptions and interpretations.

SEC. 36.08.30. Height limits.

Height limitations set forth elsewhere in this chapter shall not apply to:

a. Barns, silos, water towers or tanks, windmills, or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; church spires, belfries, cupolas and domes; smokestacks; flag poles; elevator penthouses; cooling towers; grain elevators; parapet walls extending not more than four (4) feet above the limiting height of the building; outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

b. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are not more than one (1) story in height, and provided that for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

c. Other structures where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line not a street lot line.

d. Antennas and communication facilities on utility poles, utility towers and light standards in all zoning districts, including the city's rights-of-way, provided:

1. The applicant submits a development review permit and goes through the review process pursuant to Sec. 36.44.45;

2. The applicant submits a description of the efforts made to consider alternative sites and demonstrates the proposal for the facility, including all associated equipment (whether or not installed by the applicant), is the least intrusive alternative;

3. The proposed height exception is proven, by the applicant, to be the minimum amount of additional height needed to address a significant gap in coverage;

4. The proposed extension and other changes to the pole or equipment are proven, by the applicant, to be structurally sound and safe; and

5. Equipment associated with the facility does not impede pedestrian or vehicular accessibility along any public or private pathways, sidewalks, driveways or roadways, visually impede any safe use of the same, or otherwise present a hazard to pedestrian or vehicular use of the same.

SEC. 36.08.35. Basements.

Where less than one-half (1/2) the height of a basement or cellar, or ground floor, is below ground level, measured by reference to the average elevation of land within one hundred (100) feet of the building, said basement, cellar or ground floor shall be considered a story and floor area.

DIVISION 6. REASONABLE ACCOMMODATIONS.

SEC. 36.08.40. Reasonable accommodations.

SEC. 36.08.45. Purpose.

This division is established to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests to new or existing residential structures.

SEC. 36.08.50. Applicability.

In order to provide housing accessible to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This section applies only to those persons who are defined as disabled under the Acts and is permitted for residential properties in all zoning districts.

SEC. 36.08.55. Application requirements.

a. Requests for reasonable accommodation shall be made with an application submitted to the community development department, together with the appropriate fee, as established by resolution adopted by the city council, and other required information. If the request for reasonable accommodation also requires some other discretionary approval under this chapter (including, but not limited to, a conditional use permit, design review, variance, general plan amendment or zone change), the application shall be submitted and reviewed at the same time as the related applications.

b. All requests shall be reasonable and limited to the minimum modifications the applicant believes are necessary to accommodate the disability. The applicant shall provide all information identified in the reasonable accommodations handout located in the community development department.

c. Any health information protected as confidential in accordance with state and federal law shall be retained by the city in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection. The application is otherwise a public record and subject to inspection pursuant to the Public Records Act.

d. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation(s) may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

SEC. 36.08.60. Approval process, decision and appeals.

A reasonable accommodation request shall be processed in the same manner as a development review permit. Applications shall be processed and a decision made by the zoning administrator in accordance with Sec. 36.44.45 (Development Review Process), subject to the findings in Sec. 36.08.65. If appealed, the city council shall be the final decision authority in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

SEC. 36.08.65. Findings.

a. Any decision on an application under this section shall be supported by written findings addressing the criteria set forth in this subsection. An application under this section for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.

2. The requested reasonable accommodation is necessary to provide housing accessible to an individual with a disability under the Acts.

3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning and would not be detrimental to the public health, safety and general welfare.

5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.

6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

b. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection "a." above.

ARTICLE IV. RESIDENTIAL ZONES.

DIVISION 1. PURPOSE.

SEC. 36.10. Purpose.

This article provides regulations applicable to development and new land uses in the residential zoning districts established by Sec. 36.04 (Zoning Districts Established). The purposes of the individual residential zoning districts are as follows:

a. **R1 (Residential—Single-Family) district.** The R1 zoning district is intended for detached, single-family dwellings and similar and related uses compatible with a quiet, family living environment. The R1 zoning district is consistent with the low-density residential land use designation of the general plan. The designation of an area in the R1 zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the R1 zoning map symbol (e.g., R1-8, R1-10, etc.).

b. **R2 (Residential—One (1) and Two (2) Family) district.** The R2 zoning district is intended for single-family dwellings, duplexes, low-density rowhouse developments, low-density townhouse developments, small-lot single-family developments and similar and related compatible uses. The R2 zoning district is consistent with the medium-low density residential land use designation of the general plan. The designation of an area in the R2 zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the R2 zoning map symbol (e.g., R2-8, R2-10, etc.).

c. **R3 (Residential—Multiple-Family) district.** The R3 zoning district is intended for multiple-family housing including apartments, condominium development, rowhouse development, townhouse development, small-lot single-family development and similar and related compatible uses. The R3 zoning district is consistent with the medium, medium-high and high-density residential land use

designation of the general plan. The designation of an area in the R3 zoning district will include establishing a specific maximum density for multiple-family development, expressed as a subcategory to the R3 zoning map symbol (e.g., R3-2, R3-1.5, etc.).

d. **R4 (Residential—High-Density Multiple-Family) district.** The R4 zoning district is intended for multiple-family housing, including apartments, condominium development, rowhouse development, townhouse development, small-lot, single-family development and similar and related compatible uses. The R4 zoning district is consistent with the high-density residential land use designation of the general plan.

e. **RMH (Mobile Home Park) district.** The RMH zoning district is intended for areas of the city best suited for mobile homes within a mobile home park or mobile home subdivision with shared recreational and open space facilities, together with similar and related compatible uses. The RMH zoning district is consistent with the mobile home residential land use designation of the general plan.

DIVISION 2. LAND USES.

SEC. 36.10.05. Residential zone land uses and permit requirements.

The uses of land allowed by this chapter in each residential zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review where required and parking requirements, and subject to obtaining any building permit or other permit required by the City Code ("P" uses on the tables).

b. Allowed subject to approval of a conditional use permit ("CUP") (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit ("TUP") (Sec. 36.46).

d. Allowed subject to approval of a planned unit development permit ("PUD") (Sec. 36.46.70).

e. Allowed subject to approval of a mobile home park permit ("MHPP") (Sec. 36.48.35).

Land uses that are not listed on the table for a particular zoning district are not allowed in that district, except where otherwise provided by Sec. 36.06.40

(Determination of Allowable Land Uses), or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY RESIDENTIAL DISTRICT

NOTE: Where the last column on the following tables ("See Section") includes a section number, the regulations in the referenced section apply to the use and/or a specific definition; however, provisions in other sections may apply as well.

LAND USE	PERMIT REQUIREMENTS BY ZONE					
RESIDENTIAL	**R1**	**R2**	**R3**	**RMH**	**R4**	**SEE SECTION**
Companion Unit	P					36.12.60
Duplexes		P	P		P	36.10.40
Home Occupations	P	P	P	P	P	36.28.75
Mobile Home Parks				MHPP		36.12.15
Manufactured Housing	P	P	P	P	P	36.12.30
Mobile Home, Single	P	P	P	P	P	36.12.30
Multiple-Family Housing		CUP	P		P	For R3 District: 36.10.60 and For R4 District: 36.12
Accessory Uses and Structures	P	P	P	P	P	36.12.35
Residential Care Home, 7+ clients	CUP	CUP	CUP	CUP	CUP	
Residential Care Home, 0-6 clients	P	P	P	P	P	
Rooming and Boarding Houses	CUP	CUP	CUP	CUP	CUP	
Rooming and Boarding, 2 persons maximum	P	P	P	P	P	36.10.85
Senior Care Facility	CUP	CUP	CUP		CUP	
Senior Congregate Care Housing		CUP	CUP		CUP	
Single-Family Housing	P	P	P	P	P	36.10.10
Small-Lot Single-Family Housing		PUD	PUD		PUD	36.16
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	
Townhouses		PUD	PUD		PUD	36.16.10

Rowhouses		PUD	PUD		PUD	36.16.20
Uses Not Named But Similar to Listed Uses	CUP	CUP	CUP	CUP	CUP	
AGRICULTURAL						
Crop Production	P	P	P	P	P	
Small Animal Keeping	P	P	P	P	P	36.12.55.g
RECREATION, EDUCATION, ASSEMBLY						
Churches	CUP	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	CUP	
Child-Care Centers	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Large Family	CUP	CUP	CUP	CUP	CUP	36.28.20
Child Day Care, Small Family	P	P	P	P	P	36.28.20
Membership Organization Facilities			CUP	CUP	CUP	
Recreational Vehicle (RV) Parks				CUP		
Schools, Public and Private	CUP	CUP	CUP	CUP	CUP	
SERVICES						
Cemeteries, Columbariums (with Church)	CUP	CUP	CUP	CUP	CUP	36.28.15
Medical Services, Extended Care			CUP	CUP	CUP	
Offices, Property Management		CUP	P	P	P	
Offices, Temporary Real Estate	TUP	TUP	TUP	TUP	TUP	36.46
Parking Lots, Not Accessory to Residential	CUP	CUP	CUP	CUP	CUP	
Pipelines and Utility Lines	P	P	P	P	P	
Public Utility or Safety Facilities	CUP	CUP	CUP	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	36.46

KEY TO PERMIT REQUIREMENTS		**See Section**
Permitted Use, Zoning Compliance Required (Development Review may also be required)	P	36.44 and 36.44.45
Conditional Use, Conditional Use Permit Required	CUP	36.48

Planned Unit Development, PUD Permit Required	PUD	36.46.70
Temporary Use, Temporary Use Permit Required	TUP	36.46
Mobile Home Park, Mobile Home Park Permit Required	MHPP	36.48.35
Use Not Allowed		

DIVISION 3. SINGLE-FAMILY (R1) ZONING DISTRICT STANDARDS.

SEC. 36.10.10. R1 zoning district standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed and constructed in compliance with this section.

SEC. 36.10.15. Minimum lot area and width for subdivisions.

The minimum area and width of parcels proposed in new subdivisions in the R1 zoning district is determined by Sec. 36.10.25 below, except in areas of special limitations or when smaller lots are approved as part of a larger planned unit development. These areas are identified on the zoning map by a suffix to the R1 map symbol (e.g., R1-8, R1-10, etc.), and are subject to the following requirements:

Zoning Designation	Minimum Lot Area	Minimum Width
R1	6,000 square feet	60 feet (corner lots: 70 feet)
R1-7	7,000 square feet	70 feet
R1-8	8,000 square feet	75 feet
R1-10	10,000 square feet	80 feet
R1-10+	As noted by suffix	80 feet

If the minimum lot area required by a suffix to the R1 zoning map symbol is within the ranges shown above (i.e., more than six thousand (6,000) square feet but less than ten thousand (10,000) square feet, etc.), the required lot width shall be determined by the zoning administrator based on the values specified in the table above.

SEC. 36.10.20. Minimum street frontage for any residential use.

An existing parcel in the R1 zoning district shall have a minimum frontage of thirty-five (35) feet on a public street unless the lot has been created pursuant to a planned unit development permit. The approval of a new subdivision proposing flag

lots or other parcels without the required frontage on a public street shall also comply with the provisions of Sec. 36.10.35 (Subdivisions Creating Parcels without the Required Frontage on a Public Street.)

SEC. 36.10.25. R1 zone development standards.

The following table entitled "R1 Zone Development Standards" defines standards for minimum parcel size, density, setbacks and height limits within the R1 zoning district. See Sec. 36.14.75 for exceptions to the site layout standards that may be granted for home improvements and minor additions.

R1 ZONE DEVELOPMENT STANDARDS

Other References	See Zoning Handbook for the Single-Family Homeowner and Zoning Calculations: Methods, Definitions, and Clarifications.
Lot Area	6,000 sq. ft. minimum for interior lots, 7,000 sq. ft. for corner lots; except for larger area required by Sec. 36.10.15 based on map designation or smaller area approved under Sec. 36.10.35 with a PUD permit.
Lot Width	60 ft. minimum for interior lots, 70 ft. for corner lots; except for greater width required by Sec. 36.10.15 or Sec. 36.10.20 based on map designation.
Density (maximum)	One (1) dwelling per parcel, except where a companion unit is allowed in compliance with Sec. 36.12.60.
Floor Area Ratio	The maximum base FAR allowed in the R1 zoning district shall be based on lot area and calculated using the following formula: **FAR = 0.50 - (0.00001 x Lot Area)**. FAR shall be measured as provided in the Zoning Calculations: Methods, Definitions, and Clarifications. See Sec. 36.14.75 for exceptions.
	0.45 for lots of 5,000 sq. ft. or less; Use formula above for lots between 5,001 and 9,999 sq. ft.; Examples: 6,000 sq. ft. lot = 0.50 - (0.00001 × 6,000) = 0.44 FAR 7,500 sq. ft. lot = 0.50 - (0.00001 × 7,500) = 0.425 FAR 0.40 for lots of 10,000 sq. ft. or greater.

Setbacks (See Figures 36.10-1 and 36.10-2)	See Sec. 36.12.60 for setbacks applicable to companion units, Sec. 36.10.35 setbacks applicable to parcels that do not have the required frontage on a public street, Sec. 36.12.35 for setbacks applicable to accessory structures and Sec. 36.14.75 for exceptions to required setbacks. The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks.	
	Front	20 ft. minimum for the first-floor wall; 5 ft. from the first floor wall for a second floor over an attached garage, where garage projects forward.
	Sides (1st-story)	For lots less than 6,000 sq. ft. or less than 60 ft. wide: 5 ft. minimum and 10 ft. total for both sides;
		For lots of 6,000 sq. ft. or more and 60 ft. or greater in width: 5 ft. minimum and 12 ft. total for both sides.
	Sides (2nd-story)	For lots less than 5,000 sq. ft. or less than 40 ft. wide: 5 ft. minimum each side and 12 feet total for both sides.
		For lots 5,000 sq. ft. or more and 40 ft. or greater than width, front half of lot: 7 ft. minimum and 15 ft. total for both sides; Rear half of lot: 12 ft. minimum on each side.
		For lots of 10,000 sq. ft. or more, and greater than 65 ft. wide: 10 ft. minimum and 25 ft. total for both sides.
	Street sides (corner lots)	15 ft. minimum.
	Rear	1 story portions of structure: 20% of the lot depth or 15 ft., whichever is greater, but not more than 40 ft. maximum, required. Encroachment allowed, see 36.14.75.
		2 story portions of structure: 25% of lot depth, or 20 ft., whichever is greater, but not more than 40 ft. maximum, required.

Height Limits	See Sec. 36.08.30 for exceptions to height limits; Sec. 36.12.60 for height limits applicable to companion units and Sec. 36.12.35 for height limits applicable to accessory structures.	
	Principal structures	Maximum building height for 1 story structure: 24 ft.; Maximum building height for 2 story structure: 28 ft.;
		Maximum 1st floor wall height at top of wall plate: 15 ft.; Maximum 2nd floor wall height at top of wall plate: 22 ft.
Landscaping Required	50% of the required front setback area shall be permanently landscaped. Street trees shall be planted in front of all structures with second story additions or construction of a new dwelling unit.	
Second-Story Decks	Second-story decks and balconies are allowed only on the front and rear of houses, except that on corner lots they are allowed on the street side. The total square footage of all decks and balconies located at floor level of the second story cannot exceed 150 sq. ft. and are subject to second-story setbacks except that decks and balconies on the rear of a house must be set back 5 ft. in addition to the required rear yard second-story setback and front yard decks and balconies may be set back as provided for in Sec. 36.14.85. Decks and balconies, or any similar feature, are not permitted on the roof of a two-story structure.	
Parking and Driveways	**Required Spaces**	2 spaces, 1 of which shall be covered. The uncovered space can be located in the driveway.
	Covered Parking	A garage or carport shall be provided and permanently maintained for parking. The garage or carport must maintain a minimum unobstructed interior dimension of 9 ft. by 20 ft. for 1 car and be increased 9 ft. in width for each additional parking space. The minimum unobstructed ceiling height is 7 ft-6 in.
	Driveway	**Minimum dimensions.** Minimum width of 9 ft., with direct access to at least a 1 car garage or carport. Minimum length of 20 ft. measured from the property line to the front of the covered parking space.

		Back-up area. Where access to a garage, carport, or open parking space is perpendicular (90 degrees) to the driveway, a minimum 24 ft. deep unobstructed back-out area shall be provided.
		Street frontage. Lots with no garage or a one-car garage are allowed a maximum cumulative 20 ft. wide area, including driveway, visible from the street for vehicle parking. Lots with a two (2) or three (3) car garage are allowed a maximum cumulative 30 ft. wide area, including driveway, visible from the street for vehicle parking.
	Garage frontage on street	The street-facing facade of a garage structure shall not exceed 25 ft. in width when facing any lot frontage that is less than 75 ft. wide. On parcels with more than 75 ft. of frontage, the garage facade may be up to 35 ft. wide. See Sec. 36.12.35 for limits on widths of accessory structures, including detached garages.
Signs	See Article XII (Signs).	

SEC. 36.10.30. Development review required.

The following types of proposed development in the R1 zoning district shall be subject to development review in compliance with Sec. 36.44.45 (Development Review):

a. Structures in new subdivisions of five (5) or more parcels;

b. Requests for FAR exceptions;

c. Fences over six (6) feet in height and up to seven (7) feet;

d. Development on sites with existing nonconforming structures (see Sec. 36.06.60, Nonconforming Structures and Uses);

e. Planned unit developments in accordance with Sec. 36.46.70; and

f. Conditional use permits in accordance with Sec. 36.48.

Figure 36.10-1
SINGLE FAMILY SETBACK REQUIREMENTS
(For Reference Only)

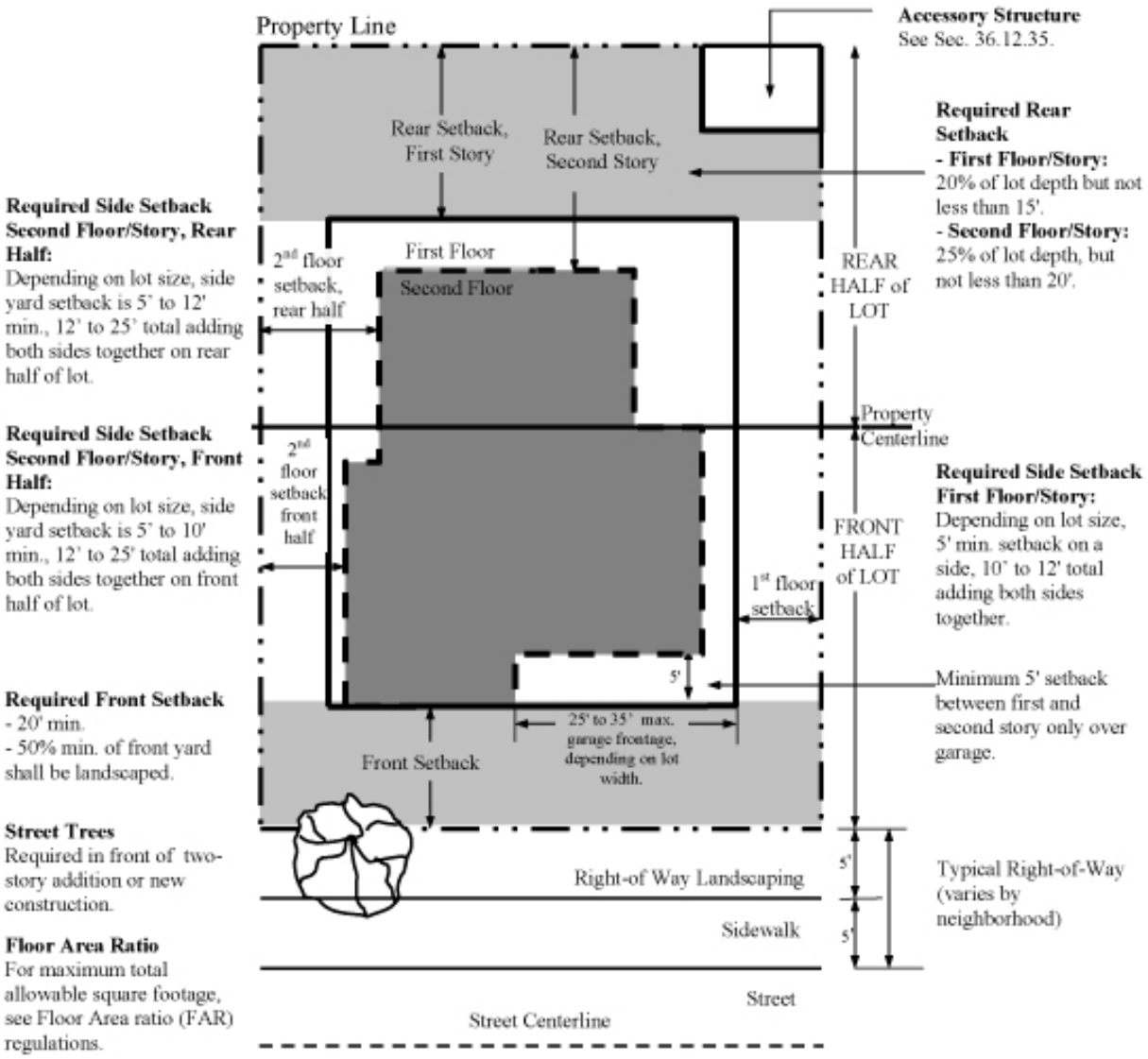
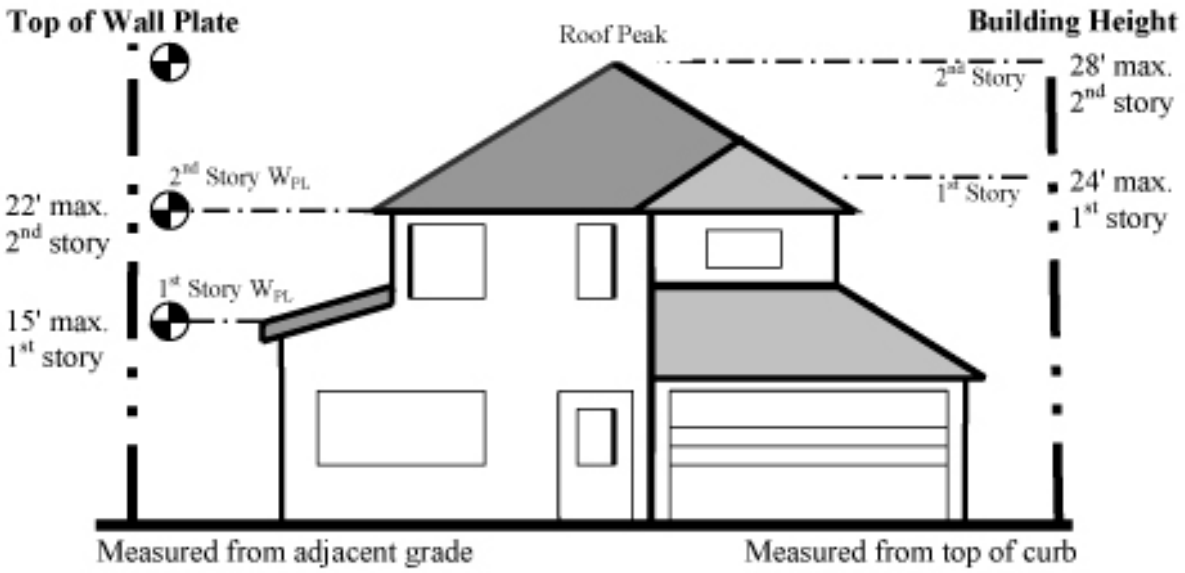


Figure 36.10-2
SINGLE-FAMILY HEIGHT LIMITS
(For Reference Only)



SEC. 36.10.35. Subdivisions in the R1 zone creating parcels without the required frontage on a public street.

The approval of a subdivision in compliance with Chapter 28 of the City Code (Subdivisions) with one (1) or more flag lots, or other lots that do not have the required frontage on a public street, shall require approval of a planned unit development permit to evaluate the appropriateness of the lots, establish setbacks, and address any lot design problems.

a. **Minimum lot size.** The developable portion of any flag lot or other lot that does not have the required frontage on a public street, exclusive of the "flag pole" portion of a flag lot or the private drive in a subdivisions with up to four (4) buildable lots, shall comply with the minimum lot size requirements of the applicable zoning district. The individual lots in a subdivision involving five (5) or more buildable lots may be less than the minimum lot size required in the applicable zoning district provided that the density, based on all of the land area including private streets and common areas, does not exceed the maximum density for the applicable zoning district.

b. **Floor area ratio (FAR).** Allowable FAR shall be calculated on the developable portion of the lot only. Floor area exceptions are not allowed on lots that do not have the required frontage on a public street.

c. **Density.** A flag lot or other lot without the required frontage on a public street may be developed with one (1) single-family dwelling only.

d. **Number of lots.** At least one (1) of the lots in a flag lot subdivision or other subdivision that includes parcels without the required frontage on a public street shall have the street frontage normally required by the applicable zoning district. No more than two (2) additional flag lots shall be permitted to extend behind the lot with full street frontage. See Figure 36.10-3.

e. **Setback requirements.** Setbacks shall comply with the standards found in Sec. 36.10.25 except for the following special setback requirements. See Figures 36.10-3 and 36.10-4:

1. **All lots:**

(a) **Garage setback.** The setback from a garage face shall be a minimum of twenty (20) feet.

(b) **Side yards adjacent to a flag pole or private driveway.** Side yards adjacent to a flag "pole" shall be a minimum of five (5) feet for first story and seven (7) feet for the second story. Side yards adjacent to a private driveway serving two (2) or more units shall be a minimum of ten (10) feet for the first and second stories. If a garage faces the flag pole or private driveway, the set back shall be a minimum of twenty (20) feet.

2. **Lots that front on a public street.** Side yards adjacent to existing lots shall be a minimum of seven (7) feet for the first story and eight (8) feet for the second story except for that portion of the second story that is on the rear half of the parcel which shall be a minimum of twelve (12) feet.

3. **Lots without the required frontage (not a single flag lot).** For lots that are at the rear of the site and do not have the required frontage on a public street, the zoning administrator shall determine which of the yards on the sides that are adjacent to existing lots is the rear yard, taking into consideration whether the yards of the adjacent lots are rear yards or side yards. Any remaining yard which is adjacent to a side yard for sixty-six (66) percent of the length of the adjacent property may have the side yard setbacks defined in Sec. 36.10.25. Any remaining yard adjacent to a rear yard must have a minimum first story setback of fifteen (15) feet and a minimum second story setback of twenty (20) feet.

4. **Single flag lot.** For a single flag lot, the side yard that is on the side of the lot which is an extension of the flag "pole" shall be a minimum of five (5) feet for the first floor and twenty-five (25) feet for the second floor. The zoning administrator

shall determine which of the three (3) remaining yards is the rear yard, taking into consideration whether the yards of the adjacent lots are rear yards or side yards. The yard determined to be the rear yard shall comply with the rear yard setbacks defined in Sec. 36.10.25. For the other two (2) yards, the minimum first story setback is fifteen (15) feet and the minimum second story setback is twenty (20) feet, except that if one (1) of the two (2) remaining yards is adjacent to a side yard for sixty-six (66) percent of the length of the adjacent property, the side yard setback for the flag lot may be the same as the side yard setbacks defined in Sec. 36.10.25.

5. **Access requirements for flag lots.** The flag "pole" serving a single lot shall be a minimum of sixteen (16) feet wide, with ten (10) feet paved. A flag "pole" serving two (2) or more lots shall be a minimum of twenty-five (25) feet with sixteen (16) feet paved, provided that there is at least eight (8) feet of street frontage per lot and mutual access easements are recorded to run with the land. A wider paved access and adequate turnaround for emergency vehicles may also be required by the Uniform Fire Code, depending on distance of the house from the street. See Figure 36.10-3.

Figure 36.10-3
FLAG LOT SETBACK REQUIREMENTS
(For Reference Only)

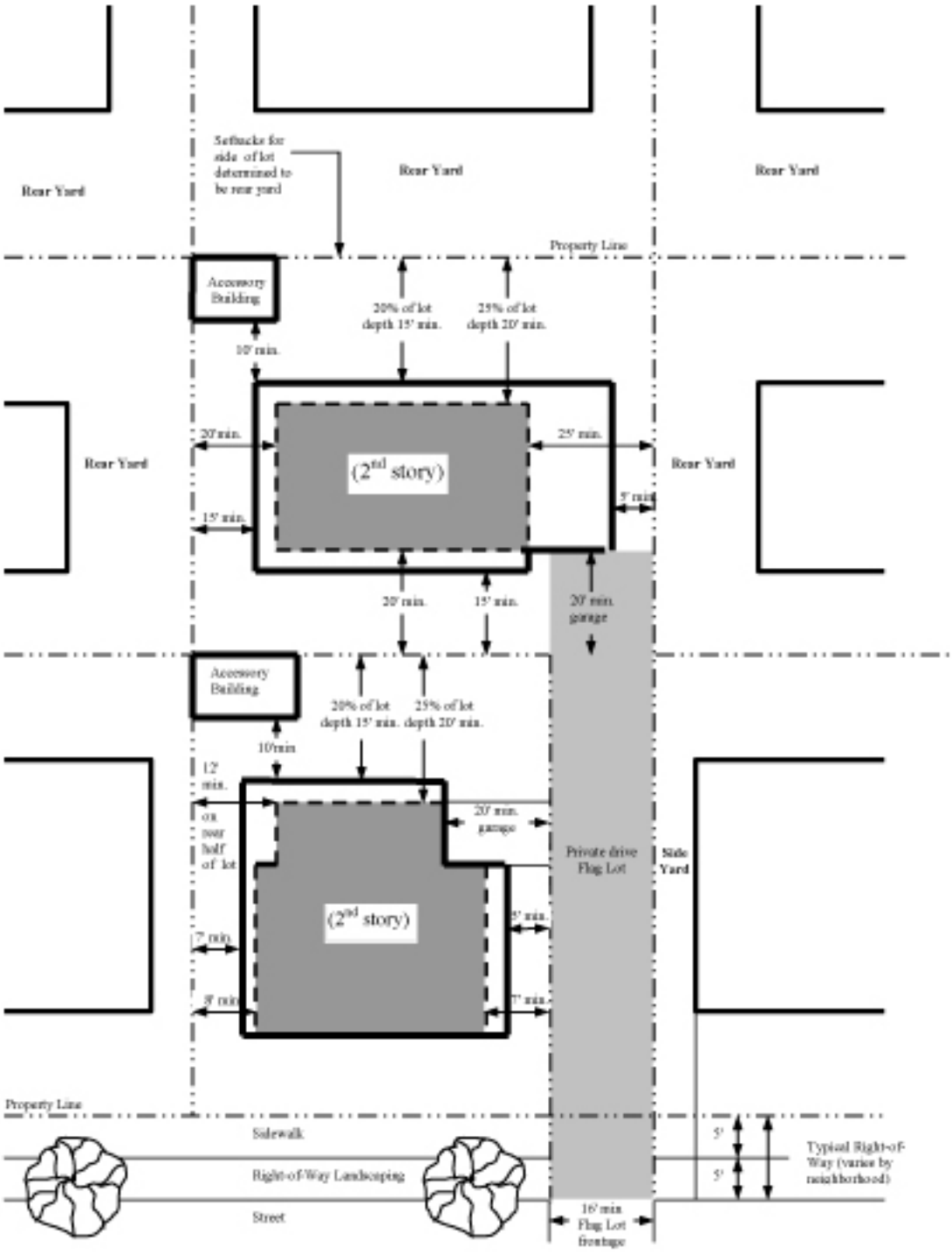
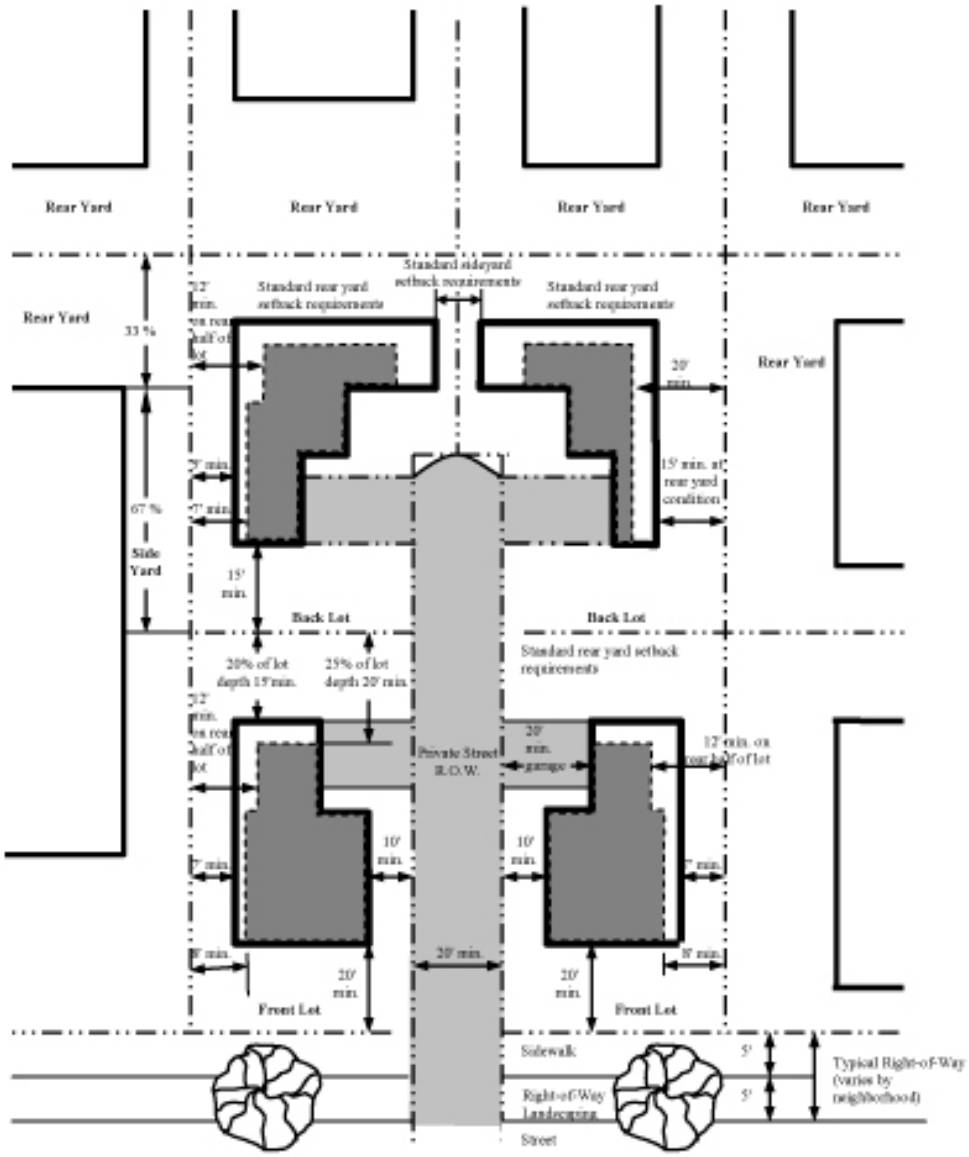


Figure 36.10-4
SETBACK REQUIREMENTS FOR SUBDIVISIONS WITH SEVERAL LOTS ON A PRIVATE STREET
(For Reference Only)



DIVISION 4. ONE AND TWO-FAMILY (R2) ZONING DISTRICT STANDARDS.

SEC. 36.10.40. R2 zoning district standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed and constructed in compliance with this section.

SEC. 36.10.45. Minimum lot area and width for subdivisions.

The minimum area and width of parcels proposed in new subdivisions in the R2 zoning district are subject to the following requirements. Areas of special limitations are identified on the zoning map by a suffix to the R2 map symbol (e.g., R2-8, R2-10, etc.).

Zoning Designation	Minimum Lot Area	Minimum Width
R2	7,000 square feet	60 foot corner lots: 70 feet
R2-8	8,000 square feet	75 feet
R2-10	10,000 square feet	80 feet
R2-10+	As noted by suffix	80 feet

If the minimum parcel area required by a suffix to the R2 zoning map symbol is within the ranges shown above (e.g., more than eight thousand (8,000) but less than ten thousand (10,000) square feet), the required lot width shall be determined by the zoning administrator.

SEC. 36.10.50. R2 zone development standards.

The following table entitled "R2 Zone Development Standards" defines minimum standards for development within the R2 zoning district. See Sec. 36.14.75 for exceptions to the site layout standards that may be granted for home improvements and minor additions. See Sec. 36.16 for development standards for small-lot single-family developments, Sec. 36.16.10 for development standards for townhouses and Sec. 36.16.20 for development standards for rowhouses. If only one (1) single-family dwelling can be built on an existing lot, then the dwelling is subject to R1 development standards (Sec. 36.10.25).

R2 ZONE DEVELOPMENT STANDARDS

Dwelling Unit Types	The following standards apply to a duplex or two single-family dwellings on a lot. Standards for small-lot, single-family, townhouse and rowhouse developments are listed separately in Sec. 36.16 and 36.16.10 and 36.16.20, respectively. The R1 standards (Sec. 36.10.25) apply when there is only one single-family dwelling on a lot.	
Lot Area	7,000 sq. ft. minimum or any larger area required by Sec. 36.10.45, except that lots in small-lot, single-family, townhouse and rowhouse developments approved through a PUD permit may be smaller.	
Lot Width	60 ft. minimum for interior lots; 70 ft. for corner lots; or other width required by Sec. 36.10.45.	
Density	1 duplex or 2 single-family dwellings per 7,000 sq. ft. parcel, maximum, or any larger area required by Sec. 36.10.45. If lot is less than 7,000 sq. ft., only one dwelling unit is permitted.	
Floor Area Ratio	0.55 maximum. See Sec. 36.14.75 for exceptions.	
Setbacks (See Figure 36.10-5)	See Sec. 36.14.75 for exceptions to required setbacks and Sec. 36.12.35 for setbacks applicable to accessory structures. The following setbacks apply to any new construction, regardless of the existing building's setbacks.	
	Front	20 ft. minimum for the first floor wall; 5 ft. from the first floor wall for a second floor over an attached garage, where garage projects forward.
	Sides (1st-story)	5 ft. minimum and 12 ft. total for both sides.
	Sides (2nd-story)	7 ft. minimum and 15 ft. total for both sides.
	Street sides (corner lots)	15 ft. minimum.
	Rear	1st story portions of structure: 20% of the lot depth or 15 ft., whichever is greater, but not more than 40 ft. maximum, required. Encroachments allowed, see Sec. 36.14.75;
		2nd story portions of structure: 25% of the lot depth or 20 ft., whichever is greater, but not more than 40 ft. maximum, required.

	Interior	Minimum separation between principal structures is 1/2 the sum of the heights of the nearest building walls measured to top of wall plate, with 12 ft. minimum.
Height Limits	See Sec. 36.08.30 for exceptions to height limits and Sec. 36.12.35 for height limits applicable to accessory structures. Also refer to the Zoning Calculations: Methods, Definitions and Clarifications handout.	
	Principal structures	Maximum building height for 1 story: 24 ft. Maximum building height for 2 stories: 30 ft.
		Maximum 1st floor wall height (top of wall plate): 15 ft. Maximum 2nd floor wall height (top of wall plate): 22 ft.
Second-Story Decks	The total square footage of all decks and balconies located at floor level of the second story cannot exceed 150 sq. ft. Such decks and balconies are allowed only on the front and rear of houses, except that on corner lots they are allowed on the side facing the street. Second-story decks and balconies are subject to second-story setbacks except as provided for in Sec. 36.14.75. Decks and balconies, or any similar feature, are not permitted on the roof of a two-story structure.	
Landscaping Required	50% of the required front setback area shall be permanently landscaped. Street trees shall be planted in front of all structures with second-story additions or construction of a new dwelling unit.	

Parking	**Required spaces**	For each dwelling unit: 2 spaces, 1 of which shall be covered. The uncovered space can be located in the driveway.
	Covered Parking	A garage or carport shall be provided and permanently maintained for parking. The garage or carport must maintain a minimum unobstructed inside dimension of 9 ft. by 20 ft. for 1 car and be increased 9 ft. in width for each additional parking space. The minimum unobstructed ceiling height is 7 ft.-6 in.
	Driveway	Minimum width of 9 ft., with direct access to at least a 1 car garage or carport. Minimum length of 20 ft. measured from the property line to the front of the covered parking space. Where access to a garage, carport, or open parking space is perpendicular (90 degrees) to the driveway, a minimum 24 ft. deep unobstructed back-out area shall be provided.
Signs	See Article XII (Signs).	

SEC. 36.10.55. Development review required.

The following types of development in the R2 zoning district shall be subject to development review in compliance with Sec. 36.44.45 (Development Review):

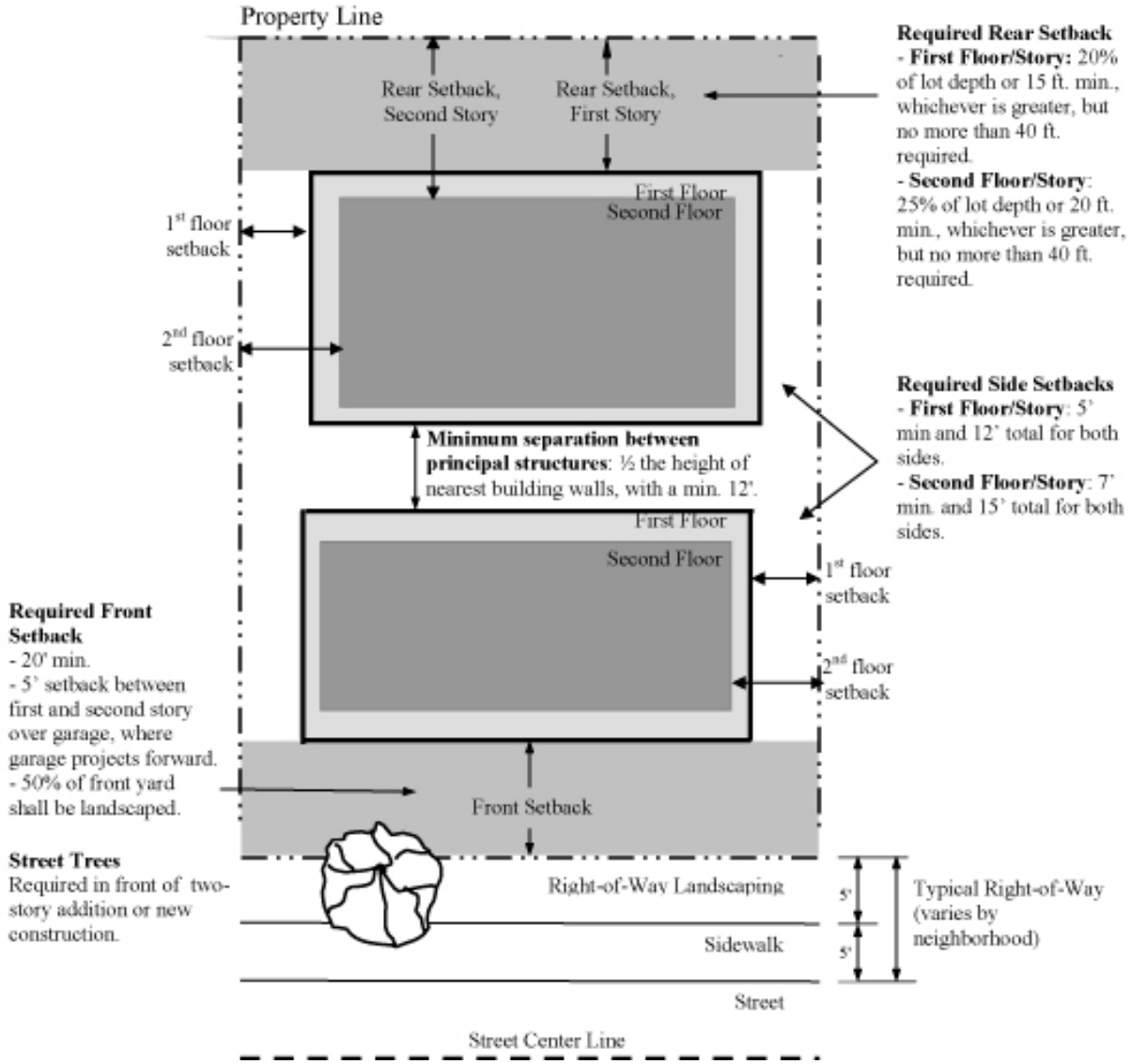
a. Fences over six (6) feet in height and up to seven (7) feet;

b. Development on sites with existing nonconforming structures (see Sec. 36.06.60, Nonconforming Structures and Uses);

c. Exceptions to standard site development regulations, in compliance with Sec. 36.14.75 (Setback Exceptions) and 36.08.30 (Exceptions to Height Limits); and

d. Small-lot, single-family developments, townhouse developments and rowhouse developments.

Figure 36.10-5
R2 SETBACK REQUIREMENTS
(For Reference Only)



DIVISION 5. MULTIPLE-FAMILY (R3) ZONING DISTRICT STANDARDS.

SEC. 36.10.60. R3 zoning district standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed and constructed in compliance with this section.

For the purposes of determining the allowed density (number of dwellings) and other appropriate standards for development in specific R3 areas of the city, the R3 symbol on the zoning map may include a suffix. Areas on the zoning map with numerical suffixes (e.g., R3-2) are subject to limitations on the number of dwellings allowed (see Sec. 36.10.75). Areas designated R3-D on the zoning map are intended for high-density residential development and are subject to both density limitations and other development standards that apply only in R3-D areas.

SEC. 36.10.65. Limitation on single-family and two (2) units.

If only one (1) single-family unit can be built on an existing lot, then the unit is subject to R1 standards (Sec. 36.10.25). If only two (2) units can be built on an existing lot, then the units are subject to R2 standards (Sec. 36.10.50). Except R1 or R2 subdivision standards (i.e., lot area, width, frontage) shall not apply in the R3 district.

SEC. 36.10.70. R3 zone development standards.

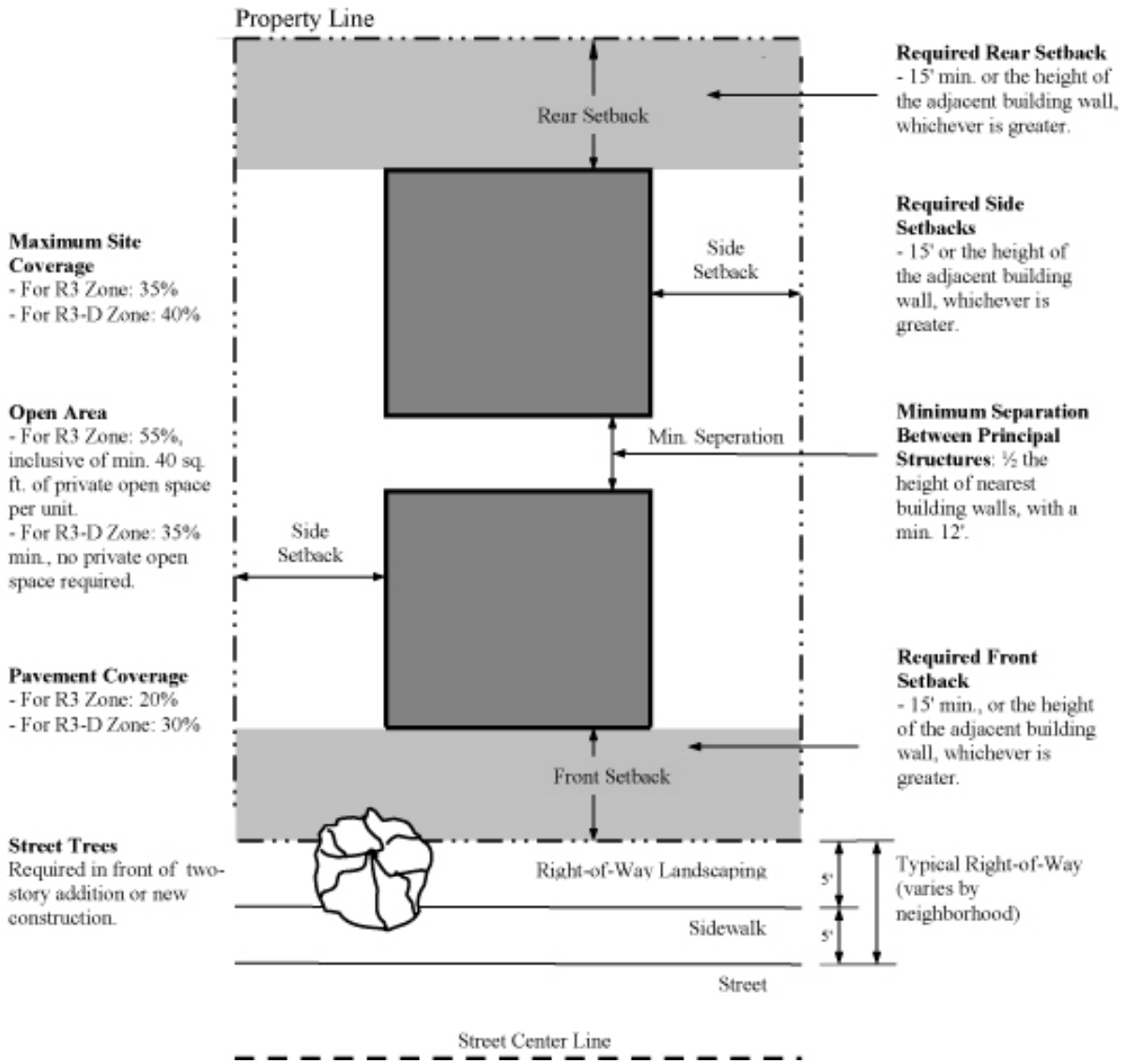
The following table entitled "R3 Zone Development Standards" defines minimum standards for development within the R3 zoning district. See Sec. 36.14.75 for exceptions to the standards that may be granted for home improvements and minor additions to properties subject to R1 or R2 development standards. See Sec. 36.16 for development standards for small-lot, single-family developments and Sec. 36.16.10 for development standards for townhouse developments and Sec. 36.16.20 for development standards for rowhouse developments.

R3 ZONE DEVELOPMENT STANDARDS

Dwelling Unit Types	The following standards apply to multi-family housing. Standards for small-lot, single-family developments, townhouse and rowhouse developments are listed separately in Sec. 36.16, 36.16.10 and 36.16.20, respectively. The R1 standards (Sec. 36.10.25) apply when there is only one single-family dwelling on a lot, and the R2 standards (Sec. 36.10.50) apply when there is a duplex or two detached single-family dwellings on a lot.	
Lot Area	12,000 sq. ft. minimum except that lots in small-lot, single-family, townhouse and rowhouse developments approved through a PUD permit may be smaller. See Sec. 36.10.75 for lot area required for multiple-family dwellings.	
Lot Width	80 ft. or 1/3 the lot depth (up to 200 ft. maximum), whichever is greater.	
Lot Frontage	As provided above for lot width, except that lots on cul-de-sacs or curved portions of streets may have a minimum frontage of 35 ft.	
Floor Area Ratio	1.05 maximum.	
Setbacks (See Figure 36.10-6)	See Sec. 36.12.35 for setbacks applicable to accessory structures and Sec. 36.14.75 for exceptions to required setbacks for properties subject to R1 or R2 development standards.	
	Front	15 ft., but not less than the height of the adjacent building wall of the subject parcel, as measured to the top of the wall plate.
	Sides	15 ft. or the height of the adjacent building wall of the subject parcel as measured to the top of the wall plate, whichever is greater.
	Rear	15 ft. or the height of the adjacent building wall of the subject parcel as measured to the top of the wall plate, whichever is greater.
	Between principal structures	12 ft. or 1/2 the sum of the height of the nearest opposing walls on the subject parcel, including those portions of the same building separated by a court or other open space.
Site Coverage	35% of site, maximum area covered by structures; In R3-D zone, 40% of site, maximum area covered by structures.	
Pavement Coverage	20% of site, maximum outdoor area dedicated to automobile use; In R3-D zone, 30% maximum outdoor area dedicated to automobile use.	

Height Limits	See Sec. 36.08.30 for exceptions to height limits.
	45 ft. maximum building height; 36 ft. maximum to top of wall plate for R3 only.
Open Area	55%, which shall include a minimum of 40 sq. ft. of private open space (yards, decks, balconies) per unit. In R3-D areas, 35% with no private open space requirement. Particular attention shall be given to the inclusion and design of usable common recreation space in projects that may accommodate children of various ages.
Personal Storage	500 cubic ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area. In R3-D zone, no requirement.
Parking	See Article X (Parking and Loading).
Fences or Walls	Fences or walls may be 6 ft. in height, but shall not exceed 7 ft., and are subject to development review (See Sec. 36.44.45).
Signs	See Article XII (Signs).

Figure 36.10-6
R3 SETBACK REQUIREMENTS
(For Reference Only)



SEC. 36.10.75. Density.

The number of multi-family dwellings allowed on a site in the R3 zoning district is determined by the minimum lot area required for each dwelling as given in the following table, except that:

a. An existing lot of record that is less than seven thousand (7,000) square feet is permitted a maximum of one (1) dwelling unit, subject to the R1 development standards;

b. An existing lot of record that is seven thousand (7,000) square feet or greater, but less than twelve thousand (12,000) square feet, is permitted two (2) dwelling units in all cases, subject to the R2 development standards; or

c. An existing lot of record having a lot width of less than eighty (80) feet shall not be developed with more than two (2) dwelling units, regardless of the depth of the lot, subject to the R2 development standards.

(For maximum densities in small-lot single-family development, see Sec. 36.16; for maximum densities for townhouse developments, see Sec. 36.16.10; and for maximum densities for rowhouse developments, see Sec. 36.16.20).

MINIMUM LOT AREA REQUIREMENTS
FOR MULTI-FAMILY DWELLINGS IN R3 ZONE

Zone	**Minimum Lot Area Required (square feet) by Number of Dwelling Units**					
	2 units	**3 units**	**4 units**	**5 units**	**Additional units**	
R3-1	7,000	12,000	14,000	15,000	1,000	per unit
R3-1.25	7,000	12,000	14,000	15,250	1,250	"
R3-1.5	7,000	12,000	14,000	15,500	1,500	"
R3-2	7,000	12,000	14,000	16,000	2,000	"
R3-2.2	7,000	12,000	14,200	16,400	2,200	"
R3-2.5	7,000	12,000	14,500	17,000	2,500	"
R3-3	7,000	12,000	15,000	18,000	3,000	"
R3-4	7,000	12,000	16,000	20,000	4,000	"
R3-D	6,000	7,000	8,000	9,000	850 sq. ft. for each additional unit up to 30 units, and 800 sq. ft. for each additional unit for 31 or more units.	

SEC. 36.10.80. Development review required.

All development, including exterior modifications to existing structures or site improvements, within the R3 zoning district shall be subject to development review in compliance with Sec. 36.44.45 (Development Review).

SEC. 36.10.85. Rooming and boarding—R3 zoning district.

The rooming and boarding of two (2) persons maximum in addition to permanent residents of a dwelling is permitted in the R3 zoning district only in single-family dwellings and duplexes. Rooming and boarding is not allowed in multi-family dwellings.

DIVISION 6. HIGH-DENSITY (R4) ZONING DISTRICT STANDARDS.

SEC. 36.12. R4 zoning district standards.

New land uses, new structures, and alterations or modifications to existing land uses and structures, shall be designed and constructed in compliance with this section.

SEC. 36.12.05. Limitation on single-family housing.

If only one (1) single-family dwelling can be built on an existing lot, the dwelling is subject to R1 development standards (Sec. 36.10.25).

SEC. 36.12.10. R4 zone development standards.

The following are minimum standards for development within the R4 zoning district. In addition to the following requirements, multi-family buildings in the R4 zone will also be reviewed in the context of the R4 standards and guidelines. See Sec. 36.16 for small-lot, single-family developments; Sec. 36.16.10 for townhouse developments; and Sec. 36.16.20 for rowhouse developments.

R4 ZONE DEVELOPMENT STANDARDS

Criteria	**Primary Criteria** required for sites that apply for R4 zoning: (1) cannot be contiguous with R1 or R2 zones; (2) minimum site size of at least 1 acre; and (3) allowed across the street from R1 zones, only when the street right-of-way is between 80 ft. to 135 ft. in width. **Secondary Criteria** to be considered for sites that apply for R4 zoning: See R4 guidelines.	
Dwelling Unit Types	The following standards apply to multi-family housing. Standards for small-lot, single-family developments, townhouse developments and rowhouse developments are listed separately in Sec. 36.16, 36.16.10 and 36.16.20 respectively. The R1 standards (Sec. 36.10.25) apply when there is only one single-family dwelling on a lot, and the R2 standards (Sec. 36.10.50) apply when there is a duplex or two detached single-family dwellings on a lot.	
Lot Area	Project area—1-acre minimum. Individual lots in small-lot, single-family, townhouse and rowhouse developments approved through a PUD permit may be smaller.	
Lot Width	160 ft. minimum.	
Lot Frontage	As provided above for lot width, except that lots on cul-de-sacs or curved portions of streets may have a minimum frontage of 35 ft.	
Density	60 units per acre maximum.	
Floor Area Ratio	1.40 maximum for projects that are equal to or under 40 units per acre; 1.95 maximum for projects between 41 and 50 units per acre; or 2.30 maximum for projects that are between 51 and 60 units per acre.	
Setbacks	See Sec. 36.12.35 for setbacks applicable to accessory structures, Sec. 36.14.75 for exceptions to required setbacks for properties subject to R1 or R2 development standards.	
	Front	15 ft. minimum.
	Side	1 to 2 stories—10 ft. minimum; 3 stories—15 ft. minimum.
	Street Side	15 ft. minimum.
	Rear	15 ft. minimum.
Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	Maximum building height (to ridge): 62 ft.; and Maximum wall height: 52 ft.	

	Under certain circumstances subject to design review (see R4 guidelines): Maximum building height (to ridge): 70 ft.; and Maximum wall height: 60 ft.	
	Across the street from R1 zones	40 ft. maximum wall height at the facade, with upper floors set back 10 ft. from the facade; Maximum wall height of 52 ft.; and Maximum building height (to ridge) of 62 ft.
Open Area	30% of site, minimum.	
	Private Open Space	Average of 40 sq. ft. per unit; Minimum area shall be 40 sq. ft., where provided.
Personal Storage	Minimum of 80 sq. ft. enclosed and secured storage area for bulky personal effects (such as recreational equipment).	
Parking	See Article X (Parking and Loading).	
Signs	See Article XII (Signs).	

DIVISION 7. MOBILE HOME (RMH) ZONING DISTRICT STANDARDS.

SEC. 36.12.15. RMH district development standards.

New structures and alterations to existing structures shall be designed and constructed in compliance with this section. All requirements shown are minimums except where otherwise noted.

SEC. 36.12.20. Standards for other uses.

The standards for land uses allowed in the RMH district other than mobile home parks shall be the same as provided for the R2 zoning district by Sec. 36.10.40.

SEC. 36.12.25. Mobile home parks/subdivisions.

The following standards are intended to ensure that new, expanded or redeveloped mobile home parks, and new mobile home subdivisions are located and established so as to be compatible with adjacent residential neighborhoods and commercial areas. The planning and design of mobile home parks, including lots and other areas within parks, and the permitting of individual mobile homes within mobile home parks are regulated by the California Department of Housing and Community Development, and is not subject to the provisions of this section.

a. **Site planning and design standards.** Mobile home parks and subdivisions shall conform to the following minimum standards.

1. **Minimum site area:** five (5) acres.

2. **Density:** a maximum of eight (8) mobile home spaces per acre.

3. **Setbacks.** All structures, including but not limited to mobile homes, shall be set back from property lines as follows:

(a) **Street frontage lot lines:** thirty (30) feet.

(b) **Exterior park lot lines not abutting streets:** ten (10) feet.

4. **Landscaping.** Mobile home parks shall be landscaped as follows:

(a) **Street frontages.** Required setbacks shall be provided with a landscaped buffer at least fifteen (15) feet wide, except where cut by access driveways. Landscaping shall occupy a minimum of sixty (60) percent of the required street frontage setback area required by subsection a.3.(a), above.

(b) A minimum ten (10) foot wide screen planting shall be established between the mobile home park and peripheral property lines.

(c) A minimum twenty (20) percent of the total site area for each mobile home shall be permanently landscaped.

(d) A minimum of forty-five (45) percent of the total common area(s) of a mobile home park shall be permanently landscaped.

(e) At least one (1) fifteen (15) gallon tree shall be provided on each mobile home lot.

5. **Fencing.** The perimeter of a mobile home park or subdivision shall be enclosed by a six (6) foot high solid masonry wall (or alternate approved by the zoning administrator), located at the setback line along street frontages, and adjacent to property lines not abutting streets.

6. **Signs.** Sign area shall be limited to one (1) identification sign of fifty (50) square feet and one (1) directional sign of twenty-five (25) square feet, subject to zoning administrator approval.

b. **Accessory commercial uses permitted.** A mobile home park may contain commercial uses for the convenience of park residents; i.e., coin-operated laundry, soft drink, cigarette and similar machines, provided that these uses shall be located in the

interior of the park and shall not occupy more than five hundred (500) square feet for each fifty (50) mobile homes or fraction thereof.

c. **Use of mobile home lots.** No more than one (1) occupied mobile home shall be allowed on any one (1) lot. No travel trailer, camper or other recreational vehicle shall be placed on any mobile home lot, either for occupancy or storage.

d. **Recreational vehicle areas.** Mobile home parks in the RMH zoning district may include spaces for occupied recreational vehicles, and/or recreational vehicle storage areas, provided that the location, number and size of spaces shall be authorized as part of the conditional use permit approval.

DIVISION 8. MOBILE HOMES AND MANUFACTURED HOMES.

SEC. 36.12.30. Mobile homes and manufactured housing.

Mobile homes (identified as manufactured homes by the National Manufactured Housing Construction and Safety Standards Act of 1974) on lots zoned for conventional single-family dwellings, and the storage of mobile homes are subject to the requirements of this section. Mobile homes placed in mobile home parks (Sec. 36.12.25) that are regulated by the State Department of Housing and Community Development, are not subject to the provisions of this section. Modular (also known as factory-built) housing units are considered the same as single-family dwellings for the purposes of this chapter, and are not subject to the provisions of this section.

Mobile homes to be used as permanent dwellings in compliance with this section are subject to the following requirements:

a. **Certified mobile homes.** Mobile homes that are certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Sec. 5401, et seq.) are subject to the following standards:

1. **Location.** As required by Government Code §65852.3, mobile homes for permanent occupancy are considered the same as single-family dwellings, and are permitted by Sec. 36.10.05 (Residential Zone Land Uses and Permit Requirements) in all zoning districts that allow single-family dwellings;

2. **Foundation system.** The mobile home shall be placed on a foundation system in compliance with Health and Safety Code §18551; and

3. **Architectural standards.** Mobile homes shall be designed and constructed with roof eave and gable overhangs of not less than one (1) foot measured from the vertical side of the structure.

b. **Noncertified mobile homes.** Mobile homes that are not certified under the National Mobile Home Construction and Safety Act of 1974, and that do not meet the requirements of Sec. 36.12.30.a above shall be placed only in mobile home parks.

c. **Density.** The number of certified mobile homes (as described in Sec. 36.12.30.a above) that may be placed on a single parcel shall be the same as the number of single-family dwellings permitted by Sec. 36.10.10. (R1 District Development Standards). The number of mobile homes that may be placed in a mobile home park is determined by Sec. 36.12.15 (Mobile Home Parks).

d. **Storage of unoccupied mobile homes.** Unoccupied mobile homes or portions thereof that are not fixed to a foundation shall be stored only in a mobile home sales lot, or an approved storage yard.

DIVISION 9. RESIDENTIAL ACCESSORY USES AND STRUCTURES.

SEC. 36.12.35. Residential accessory uses and structures.

When permitted in the zoning district applicable to a site (see Sec. 36.10.05, Land Uses and Permit Requirements by Residential Zone), specific residential accessory uses are subject to the provisions of this section. Residential accessory uses and structures include any use or structure that is customarily related to a residence, including, but not limited to, swimming pool structures, workshops, studios, storage sheds, greenhouses, garages, gazebos, arbors and fences.

SEC. 36.12.40. General requirements.

All accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this chapter for specific uses.

a. **Relationship of accessory use to principal use.** Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the principal use.

b. **Attached structures.** If an accessory structure is attached to a principal structure, it shall be architecturally compatible with, and made structurally a part of the principal structure. It shall also comply with all the requirements of this chapter applicable to the principal structure, including setback standards for the principal structure and all applicable building and fire codes.

c. **Kitchens.** Accessory structures are not to be used as separate dwelling units and kitchens are not allowed.

SEC. 36.12.45. Multiple-family ownership projects—Plans required.

Multiple-family; townhouse; rowhouse; and small-lot, single-family developments proposed with individual unit ownership and a homeowners' association, and existing projects of the same type that are proposed for alteration, shall require approval through the development review process (Sec. 36.44.45) of an overall plan for all site improvements (e.g., decks, fences, arbors, hot tubs and spas, gazebos, etc.). The construction of site improvements in compliance with the approved plan are subject to design review and may require building permit approval. In the case of proposed changes to an existing project, the plan shall be approved by the homeowners association before submittal to the community development department.

SEC. 36.12.50. Development standards for detached structures in the R1 and R2 zoning districts.

The following standards, in addition to those in Sec. 36.12.40, shall apply to detached accessory structures in the R1 and R2 zoning districts:

a. **Location:** Allowed to the rear or side of the principal structure, prohibited in the front setback, and subject to special setback requirements as listed in this section.

b. **Maximum lot coverage:** All accessory structure(s) shall not cumulatively cover more than thirty (30) percent of the required rear yard, excluding accessory structures less than five (5) feet in height which shall not count toward lot coverage. Any roof eaves greater than one (1) foot in depth on an accessory structure shall count toward lot coverage.

c. **Maximum size:** An accessory structure cannot cover more than a maximum of five hundred (500) square feet of area. Depending on the size of the required rear yard of a property, the maximum size of an accessory structure may be less than five hundred (500) square feet in accordance with the maximum rear yard coverage.

d. **Floor area:** Enclosed accessory structures shall count toward the total floor area for the lot. Open accessory structures shall not count toward the total floor area for the lot.

e. **Maximum height:** An accessory structure shall have a one (1) story limit with a total building height of sixteen (16) feet and a nine (9) foot wall plate measured from the adjacent grade.

f. **Separation from structure(s):** An accessory structure shall be set back ten (10) feet from the principal structure and any other accessory structure on-site, excluding accessory structures less than five (5) feet in height and open accessory structures, which shall have no minimum separation between structures.

g. **Side setback:** Accessory structures located entirely within the required rear yard may be reduced to a zero (0) foot setback from side property line(s); otherwise, a minimum seven (7) foot setback to side property line(s) is required. Detached garages may have a zero (0) foot setback from side property line(s) whether or not it is located within the required rear yard. In no case shall an accessory structure be located less than five (5) feet from a street side property line.

h. **Rear setback and building width:** The minimum rear setback for all accessory structures is seven (7) feet. If the cumulative width of all accessory structures in, or partially in, the required rear yard is less than thirty-three (33) percent of the width of the lot, then the minimum rear setback for these structures can be reduced to zero (0) feet. In no case shall the maximum cumulative width of accessory structures in, or partially in, the required rear yard exceed fifty (50) percent of the width of the lot.

i. **Cooking and smoke-producing facilities.** Any accessory structure which includes cooking or smoke-producing components, such as barbecues, fire pits, chimneys and outdoor kitchens, shall maintain a minimum five (5) foot setback from all side and rear property lines.

j. **Eaves.** All accessory structures are allowed up to one (1) foot roof eaves, which does not count toward lot coverage, so long as the eaves do not extend beyond the property line and comply with the roof drainage requirement.

k. **Roof drainage:** All allowances for zero (0) foot setback listed above are conditioned on the requirement that in no case shall roof drainage of an accessory structure drain onto a neighboring property.

l. **Maximum number of plumbing fixtures:** Three (3), not including water heater fixtures.

m. **Building and fire codes.** All accessory structures must comply with building and fire codes.

SEC. 36.12.55. Other accessory structures and uses.

a. **Antennas.** Antennas are subject to the provisions of Sec. 36.28.25.

b. **Garage/yard sales.** The sale of miscellaneous items by residents from a yard or open garage is permitted up to four (4) times per year per property, for a maximum of three (3) days per sale.

c. **Home occupations.** Home occupations are subject to the requirements of Sec. 36.28.75.

d. **Swimming pools/spas/hot tubs.** Private swimming pools, spas and hot tubs are permitted accessory to approved residential uses on the same site, subject to the following provisions:

1. **Limitation on use.** The pool is to be used solely by occupants of the dwelling(s) on the same site and their guests;

2. **Setbacks.** At least five (5) feet from any property line, for the pool/spa/tub, three (3) feet for related equipment; and

3. **Fencing.** The swimming pool shall be secured by fencing and/or building walls to prevent uncontrolled access by children, in compliance with the building code (Chapter 8).

e. **Tennis and other recreational courts.** Noncommercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use are subject to the following requirements:

1. **Fencing.** Shall be subject to height limits approved by the zoning administrator; and

2. **Lighting.** Court lighting shall not exceed a maximum height of twenty (20) feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.

f. **Vehicle storage.** The storage of vehicles, including incidental restoration and repair, is subject to Sec. 25.4.j, Chapter 19, Article IX (Vehicle Parking and Storage in Residential Areas) and Chapter 39 of the City Code (Vehicles Abandoned, Wrecked, Dismantled or Inoperative).

g. **Animal Keeping**. The keeping of dogs, cats and small animals (for noncommercial purposes) in residential zoning districts is allowable subject to the provisions of Chapter 5 of the City Code.

DIVISION 10. COMPANION UNITS.

SEC. 36.12.60. Companion units.

Where allowed by Sec. 36.10.05 (Land Uses and Permit Requirements by Residential Zone), this section establishes standards for companion units, also known as secondary dwelling units.

SEC. 36.12.65. Legislative findings.

In compliance with Government Code §65852.2(a)(4), the city finds that companion units are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties in the R1 zoning district.

SEC. 36.12.70. Development standards.

A companion unit may be allowed on a lot in the R1 zoning district in addition to a primary dwelling, subject to the following requirements:

a. **Primary dwelling required.** The site shall be developed with one (1) detached single-family dwelling;

b. **Companion unit appearance.** The design of the unit shall conform in general to the design of the primary dwelling; and

c. **Site layout and design standards.** The location and design of a companion unit shall comply with the following requirements:

COMPANION UNIT REQUIREMENTS

Minimum lot area	Minimum 35% larger lot area than required by the applicable zone.	
Gross floor area	700 sq. ft. of habitable floor area, maximum, and 200 sq. ft. for a garage, maximum, provided the total floor area for the lot does not exceed the maximums in Sec. 36.10.25.	
Location of unit	**Attached to a principal structure**	Basement, ground level or above the garage with no internal access to the primary dwelling.
	Detached unit	Rear half of lot.
	Above a detached garage	Rear half of lot.
Site coverage, detached rear-yard units	30% of the rear yard, maximum, including any other accessory structures, and projections of the primary dwelling.	
Setbacks	**Side**	1-story detached structure: 5 ft. minimum, 12 ft. total.
		1-story attached (basement): comply with required setbacks of the main house. See Sec. 36.10.25.
		2-story over attached or detached garage: See Sec. 36.10.25 for 2nd story setbacks.
	Rear	1-story detached: 10 ft. minimum.
		1-story attached (basement): comply with required setbacks of the main house. See Sec. 36.10.25.
		2-story over attached or detached garage: See Sec. 36.10.25 for 2nd story setbacks.
	Interior	10 ft. minimum, from primary dwelling or other structure, if detached.
Height limit	1-story detached: 16 ft. maximum building height and 9 ft. at top of wall plate.	
	1-story attached: See Sec. 36.10.25 for height limits for principal structures.	
	2-story (over garage): 28 ft. maximum building height and 22 ft. at top of wall plate.	

Parking	**Required Spaces**	1 space per bedroom, which can be covered or uncovered.
	Shared Parking	A driveway, garage or carport may be shared with the primary dwelling unit if the companion unit has direct, unobstructed (or shared) access to the parking space(s).

DIVISION 11. DENSITY BONUS.

SEC. 36.14. Density bonus.

SEC. 36.14.05. Purpose.

This section provides incentives for the development of housing that is affordable to the types of households and qualifying residents identified below. The incentives include the ability to construct more residential dwelling units than the maximum residential density permitted by the applicable zoning and general plan designations, and other incentives provided by this section. In offering these incentives, this section is intended to implement the requirements of state law (Government Code §§65302, 65913 and 65915).

SEC. 36.14.10. Definitions.

The following definitions apply to these density bonus provisions only:

a. **Child-care facility**. A facility other than a family day-care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child-care centers.

b. **Density bonus.** A density increase over the otherwise maximum allowable residential density permitted under the applicable zoning ordinance as of the date of application by the applicant to the city.

c. **Development standard.** A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution or regulation.

d. **Housing development**. A development project of five (5) or more residential units. Also includes a subdivision or common interest development, as

defined in Civil Code §1351, approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling, as defined in Government Code §65863.4(d), where the result of the rehabilitation would be a net increase in available residential units.

e. **Maximum allowable residential density.** The maximum allowable residential density applicable to the project under the zoning ordinance and land use element of the general plan is either the specified maximum density permitted, or, if a range of density is permitted, the maximum allowable density of that range. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

SEC. 36.14.15. General Provisions for Density Bonus.

a. The applicant may elect to accept a lesser percentage of density bonus.

b. All density calculations resulting in fractional units shall be rounded up to the next whole number.

c. In and of itself, the granting of a density bonus, concession or incentive shall not be interpreted to require a general plan amendment, zoning change or other discretionary approval.

d. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one (1) development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.

e. Regardless of the number or extent of affordable units, senior housing, land dedication, child care facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty-five (35) percent.

f. Affordable units qualifying for a density bonus shall be dispersed throughout the housing development and compatible with the design of market-rate units in terms of appearance, materials and finished quality. For developments with multiple market-rate units containing different numbers of bedrooms, affordable units qualifying for a density bonus shall be representative of the market-rate mix.

g. Nothing in this division shall be interpreted to require the city to waive or reduce development standards that would have an adverse impact on any real property

listed in the California Register of Historical Resources or to grant any waiver or reduction that would be contrary to state or federal law.

h. Nothing in this division shall be construed to prohibit the city from granting a density bonus greater than what is described in this division for a development that meets the requirements of this division or from granting a proportionately lower density bonus than what is required by this division for developments that do not meet the requirements of this division.

SEC. 36.14.20. Eligibility for density bonus and incentives.

The city shall grant one (1) density bonus, the amount of which shall be as specified in this section below (and Sec. 36.14.25) and provide concessions or incentives, as described in Sec. 36.14.45, when an applicant proposes to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to these density bonus provisions, containing:

a. Five (5) or more dwelling units; and

b. At least one (1) of the following:

1. **Very low-income units**. Five (5) percent of the total units of a housing development for very low-income households, as defined in Health and Safety Code §50105.

2. **Lower-income units.** Ten (10) percent of the total units of a housing development for lower-income households, as defined in Health and Safety Code §50079.5.

3. **Moderate-income**. Ten (10) percent of the total dwelling units in a common-interest development as defined in Civil Code §1351 for persons and families of moderate income, as defined in Health and Safety Code §50093, provided that all units in the development are offered to the public for purchase.

4. **Senior housing units**. A housing development for seniors, as defined in Civil Code §§51.3 and 51.12, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code §§798.76 or 799.5.

SEC. 36.14.25. Higher density bonus formulas.

Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units may receive

a higher density bonus if the percentage of very low, low and moderate income housing units exceeds the base percentage established in Sec. 36.14.20, as follows:

a. **Very low-income units**. For housing developments meeting the criteria of Sec. 36.14.20.b.1, the density bonus shall be calculated such that for each one (1) percent increase above five (5) percent in affordable units for very low-income households, the density bonus shall be increased by two and one-half (2-1/2) percent up to the maximum of thirty-five (35) percent, as shown in Table 36.14-1:

TABLE 36.14-1: VERY LOW-INCOME UNITS

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

b. **Lower-income units**. For housing developments meeting the criteria of Sec. 36.14.20.b.2, the density bonus shall be calculated such that for each one (1) percent increase above ten (10) percent in the affordable units for lower-income households, the density bonus shall be increased by one and one-half (1-1/2) percent up to a maximum of thirty-five (35) percent, as shown in Table 36.14-2:

TABLE 36.14-2: LOWER-INCOME UNITS

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

c. **Moderate-income units**. For housing developments meeting the criteria of Sec. 36.14.20.b.3, the density bonus shall be calculated such that for each one (1) percent increase above ten (10) percent in affordable units offered for sale to moderate-income households, the density bonus shall be increased by one (1) percent up to maximum thirty-five (35) percent, as shown in Table 36.14-3:

TABLE 36.14-3: MODERATE-INCOME UNITS

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

d. **Senior housing units.** For senior housing developments meeting the criteria of Sec. 36.14.20.b.4, the density bonus shall be twenty (20) percent of the number of senior housing units.

SEC. 36.14.30. Affordability requirements.

The applicant is required to maintain affordability in compliance with the following:

a. **Very low-income and lower-income units.** An applicant shall agree to continued affordability of all very low and lower income units that qualified the applicant for the award of the density bonus for thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program. Rents for the low-income density bonus units shall be set at an affordable rent as defined in Health and Safety Code §50053. Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code §50052.5.

b. **Moderate-income units**. An applicant shall agree that the initial occupants of the moderate-income units, which are directly related to the receipt of the density bonus in the common-interest development as defined in Civil Code §1351, are persons and families of moderate income, as defined in Health and Safety Code §50093, and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code §50052.5. The applicant shall agree to and the city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law.

1. The following apply to the equity sharing agreement:

(a) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection (b) below, and its proportionate share of appreciation, as defined in subsection (c) below, which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code §33334.2(e) that promote home ownership.

(b) The city's initial subsidy shall be equal to the fair-market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If, upon resale, the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(c) The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

c. **Financial contribution by the city.** Where there is a direct financial contribution to a housing development by the city, which is neither limited nor required, through participation in cost of infrastructure, write-down of land costs or subsidizing the cost of construction, the city shall assure continued availability for low- and moderate-income units for thirty (30) years. When appropriate, an agreement as set forth in Sec. 36.14.30.b shall specify the mechanisms and procedures necessary to ensure continued affordability.

SEC. 36.14.35. Land donations.

a. **Density bonus**. If an applicant for a tentative map, subdivision map, parcel map or other residential development approval donates land to the city in accordance with this section, the applicant shall be entitled to a fifteen (15) percent increase above the otherwise maximum allowable residential density for the entire development. This increase shall be in addition to any increase in density per Sec. 36.14.20, up to a maximum combined density increase of thirty-five (35) percent if an applicant seeks an increase pursuant to both this section and Sec. 36.14.20.

b. **Affordability.** The donated land by the applicant is subject to a deed restriction ensuring continued affordability of the very low-income units for a minimum thirty (30) years or a longer period of time if required by a financing assistance program or rental subsidy program, which deed restriction shall be recorded upon the donated property at the time of its transfer.

c. **Higher density bonus formula**. When an applicant donates land to the city in accordance with this section, a fifteen (15) percent density bonus shall be awarded for donated land that can accommodate ten (10) percent very low-income housing. For each one (1) percent increase above the ten (10) percent of very low-income housing units to be accommodated on the donated land, the maximum density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent, as shown in Table 36.14-4:

TABLE 36.14-4: DONATED LAND

Percentage Very Low-Income	Percentage Density Bonus
10	15
11	16
12	17

13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

d. **Requirements**. Nothing in this section shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this section if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten (10) percent of the number of residential units of the proposed development.

3. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in Government Code §65583.2(c)(3) and is or will be served by adequate public facilities and infrastructure.

4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final

subdivision map, parcel map or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by Government Code §65583.2(i) if the design is not reviewed by the city prior to the time of transfer.

5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Sec. 36.14.30, which shall be recorded on the property at the time of the transfer.

6. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.

7. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter (1/4) mile of the boundary of the proposed development.

8. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map or residential development application.

SEC. 36.14.40. Child-care facilities.

A. When an applicant proposes to construct a housing development that conforms to the requirements of Sec. 36.14.20 and includes a child-care facility that will be located on the premises of, as part of, or adjacent to the project, the city shall grant either of the following:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child-care facility.

2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child-care facility.

b. **Requirements**. The city shall require, as a condition of approving the housing development, that the following occur:

1. The child-care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Sec. 36.14.30.

2. Of the children who attend the child-care facility, the children of very low-income households, lower-income households or families of moderate-income households shall equal a percentage that is equal to or greater than the percentage of residential dwelling units that are required for very low-income households, lower-income households or families of moderate income pursuant to Sec. 36.14.20.

c. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child-care facility if it finds, based upon substantial evidence, that the community has adequate child-care facilities.

SEC. 36.14.45. Concessions or Incentives.

a. **Concessions or Incentives.** An applicant for a density bonus may submit a proposal to the city for the specific concessions or incentives that the applicant requests pursuant to this section.

The applicant shall receive the following number of concessions or incentives:

1. **One (1) concession or incentive**. One (1) concession or incentive for projects that include at least one of the following:

(a) Five (5) percent of the total units for very low-income households;

(b) Ten (10) percent of the total units for lower-income households; or

(c) Ten (10) percent of the total units for moderate-income households in a common-interest development.

2. **Two (2) concessions or incentives**. Two (2) concessions or incentives for projects that include at least one (1) of the following:

(a) Ten (10) percent of the total units for very low-income households;

(b) Twenty (20) percent of the total units for lower-income households; or

(c) Twenty (20) percent of the total units for moderate-income households in a common-interest development.

3. **Three (3) concessions or incentives.** Three (3) concessions or incentives for projects that include at one (1) of the following:

(a) Fifteen (15) percent of the total units for very low-income households;

(b) Thirty (30) percent of the total units for lower-income households; or

(c) Thirty (30) percent of the total units for moderate-income households in a common-interest development.

b. For the purposes of this section, concession or incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Sec. 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

3. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

c. Exception. Sec. 36.14.45.a does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land by the city or the waiver of fees or dedication requirements.

d. **Findings of denial.** The city shall grant a concession(s) or incentive(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code §50052.5, or for rents for the targeted units to be set as specified in Sec. 36.14.30.

2. The concession or incentive would have a specific adverse impact, as defined in Government Code §65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

3. The concession or incentive would be contrary to state or federal law.

SEC. 36.14.50. Waiver or reduction of development standards.

a. An applicant may submit to the city a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Sec. 36.14.20 at the densities or with the concessions or incentives permitted under this division. Burden of proof is on the applicant to demonstrate how and to what extent the development standard(s) has the effect of physically precluding the construction of the subject development.

b. Nothing in this subdivision shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code §65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

c. A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of concessions or incentives to which the applicant is entitled pursuant to Sec. 36.14.45 and subsections "a." through "c." of this section, nor require the city to grant any waiver or reduction that would result in an adverse impact or be contrary to state or federal law.

d. **Parking ratio.** Upon request of the applicant, the city shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, for a housing development meeting the criteria of Sec. 36.14.20 that exceeds the following standards:

1. Zero (0) to one (1) bedroom: one (1) on-site parking space.

2. Two (2) to three (3) bedrooms: two (2) on-site parking spaces.

3. Four (4) and more bedrooms: two and one-half (2-1/2) parking spaces.

If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking. An applicant may request parking concessions or incentives beyond those provided in this section pursuant to Sec. 36.14.45.a.

SEC. 36.14.55. Application requirements.

a. **Application**. An application for a density bonus, incentive, concession, waiver or revised development standard pursuant to this section shall be submitted in writing with the application for a housing development and processed concurrently with all other applications required for the housing development.

b. **Affordable units**. If the housing development qualifies for a density bonus under this division, the applicant shall provide that information which is required per the City Code and, in addition, include the following information:

1. Proposed category qualifying the housing development for a density bonus;

2. Level of affordability of all affordable units and proposals for ensuring affordability; and

3. A description of any requested incentives, concessions, waivers, modifications of development standards, or modified parking standards.

4. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Sec. 36.14.60 can be made.

SEC. 36.14.60. Findings.

In addition to the required findings of other permits as part of the project, the approval of the density bonus by the city shall also require the following additional findings:

a. The development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the general plan;

b. The number of dwellings can be accommodated by existing and planned infrastructure capacities;

c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter and the general plan;

d. In the event that the city does not grant at least one (1) financial concession or incentive as defined in state law (Government Code §65915) in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs; and

e. There are sufficient provisions to guarantee that the dwelling units would remain affordable in the future.

SEC. 36.14.65. Other density bonus requests.

Pursuant to state law, the applicant can request a density bonus, incentives or concessions, and waivers or reductions in development standards for other types of housing projects that provide affordable units not discussed in this division, including converting apartments to condominiums. All requests permitted under state law shall be in compliance with Government Code §§65302, 65913 and 65915-65918, et seq.

DIVISION 12. SETBACK AND FLOOR AREA RATIO EXCEPTIONS.

SEC. 36.14.75. Setback and floor area ratio exceptions.

This section provides exceptions to the residential yard setback and floor area ratio requirements of Sec. 36.10.25 (R1 Zone Development Standards) and 36.10.50 (R2 Zone Development Standards) under specified circumstances. In no case shall the projection exemptions result in less than the required interior setback or minimum building separation between two (2) structures in R1 or R2 districts. All setback and projection exceptions that comply with this section are exempt from development

review. All floor area ratio exceptions require development review in compliance with Sec. 36.44.45.

SEC. 36.14.80. Principal structure setback exceptions into front, side and rear yards and minor floor area ratio exceptions.

Projections of a principal structure into required setbacks and minor floor area ratio exceptions may be permitted for the purpose of home improvements or minor additions, in compliance with this section. The purpose of this section is to allow the upgrading of existing dwellings that may otherwise be prevented by the provisions of this section.

SEC. 36.14.85. Setback exceptions and projections.

a. **Projections into front and side setbacks of the principal structure.** Projections of the principal structure, including roof eaves, into front or side setbacks of up to three (3) feet may be permitted where the projections do not exceed a cumulative ten (10) feet in length along a given building side, and where the total cumulative footprint area of the projections does not exceed fifty (50) square feet. Projections may be on the first or second story or both.

b. **Projections into rear setbacks of the principal structure.** A portion of the principal structure, including roof eaves, may project into the required rear setback, subject to the following requirements:

1. **Height limit.** The projection shall be no more than one (1) story or twenty-four (24) feet in height and no more than fifteen (15) feet at the top of the wall plate;

2. **Rear setback.** The projection shall be located no closer than ten (10) feet to the rear lot line, including any projections or overhang;

3. **Maximum coverage.** The projection(s), including any existing projections, shall not cover more than a cumulative twelve and one-half (12-1/2) percent of the required rear yard area;

4. **Design.** The projection shall conform in general to the principal structure in terms of design, materials and color.

c. **Findings for approval.** A projection into a setback for home improvements/minor additions shall not be approved unless the proposed exception:

(a) Is minor, involving a particular area or room of the structure, and does not propose a setback encroachment along the entire length of any one (1) facade;

(b) Is only intended to increase the habitability and function of a particular area or room of the structure, or is desirable for the preservation of an existing architectural style or neighborhood character that could not otherwise be accomplished; and

(c) The granting of the exception will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or welfare.

d. **Architectural projections eighteen (18) inches or less in height, front, side and rear yards.** Decks, stoops, landings, concrete patios and other architectural features eighteen (18) inches or less in height above natural grade may encroach into any side or rear yard, provided the structure causes no drainage onto adjacent properties.

e. **Architectural projections greater than eighteen (18) inches in height, front, side and rear yards, noninhabited first-story features.** Architectural features attached to principal or accessory structures that are not part of the habitable interior area (e.g., eaves, canopies, trellises, arbors, open porches, patio covers, chimneys, outside stairways, all greater than eighteen (18) inches in height, etc.) and first-story bay windows no more than twelve (12) feet long, may project into required setbacks the following maximum distances:

1. Six (6) feet into the front setback;

2. Two (2) feet into the side setback; and

3. Six (6) feet into the rear setback.

f. **Architectural projections, front yards, inhabited second-story features.** Second-story architectural features of a principal structure (e.g., bay windows no more than twelve (12) feet long, balconies and decks) may project a maximum of six (6) feet into the second-floor front setback required by Sec. 36.10.25 and 36.10.50 (Residential Zone Development Standards—R1 and R2). No projections of this type are allowed into side and rear setbacks.

SEC. 36.14.90. Floor area ratio exceptions.

a. **Minor floor area ratio exception, R1 zoning district.** Up to a cumulative seventy-five (75) square feet may be allowed beyond the FAR limit in the R1 zoning district (without approval of a major floor area exception under Sec. 36.14.90.b), provided that the total square footage of the dwelling does not exceed the maximum floor area allowed under the major floor area exception process. This additional floor area is only intended to increase the habitability and function of a particular room or area of the structure. Development review in compliance with Sec. 36.44.45 is required for this exception.

1. **Findings for approval.** A minor floor area ratio exception for home improvements/minor additions shall not be approved unless the proposed exception:

(a) Is minor, involving a particular area or room of the structure, and does not propose a setback encroachment along the entire length of any one (1) facade;

(b) Is only intended to increase the habitability and function of a particular area or room of the structure, or is desirable for the preservation of an existing architectural style or neighborhood character that could not otherwise be accomplished; and

(c) The granting of the exception will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or welfare.

b. **Major FAR exception, R1 zoning district.** When requested by a project applicant, a major floor area ratio exception of up to ten (10) percent greater than the base floor area may be granted by the zoning administrator for an addition to an existing house after a public hearing in compliance with Sec. 36.56 (Applications, Hearings and Appeals).

1. **Findings for approval.** A major floor area exception shall not be approved unless the zoning administrator makes Finding (a) or all three of findings (b), (c) and (d) below:

(a) There are exceptional or extraordinary circumstances related to the design of the existing house or building code compliance or other code compliance that make it difficult or impossible to enlarge the house within the base floor area ratio requirements, and that the additions is of superior design quality and compatible with the existing neighborhood character; or

(b) The additional floor area is only intended to increase the habitability and function of the structure; and

(c) The granting of the major floor area exception is desirable for the preservation of an existing architectural style or neighborhood character which would not otherwise be accomplished through the strict application of the provisions of this chapter; and

(d) It can be demonstrated that the design of the proposed addition is of superior design quality; compatible with existing neighborhood character; effective in minimizing the perceived size of the dwelling; not overly intrusive to the privacy and sunlight access of neighboring dwellings; and is in substantial compliance with the design guidelines for single-family homes.

DIVISION 13. SMALL-LOT, SINGLE-FAMILY DEVELOPMENT.

SEC. 36.16. Small-lot, single-family development.

Small-lot, single-family developments are permitted within the R2 and R3 districts through the planned unit development (PUD) process (Sec. 36.46.70). This process allows consideration of creation of individual lots that are smaller than the minimum lot size otherwise required by the zone district provided that the total density (dwelling units per acre) of the project is equal to or less than the allowed density of the applicable zone district. Through the PUD process, the development is reviewed as a whole for consistency with the general purpose of the applicable zone district and the requirements and guidelines of this section.

SEC. 36.16.05. Small-lot, single-family development standards.

New small-lot, single-family developments shall conform to the following standards. In addition to the following requirements, small-lot, single-family developments will also be reviewed in the context of the design guidelines for small-lot, single-family development.

SMALL-LOT, SINGLE-FAMILY DEVELOPMENT STANDARDS

Density	10 units per acre maximum.
Lot area	Lot areas may be less than the minimum required by the zone district.
Floor area ratio	0.45 maximum; calculated by dividing the total building floor area (including garage) by total development site area (including common drive).

Building coverage	35% maximum.
Paving coverage	25% of site, maximum outdoor area dedicated to automobile use; may be increased to 30% when all the paving over 25% is decorative, permeable pavers (see Zoning Calculations: Methods, Definitions and Clarifications)
Open area	45% minimum.
Personal storage	80 sq. ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.
Site setback, front	15 ft. minimum from public street, except in R2 District where it shall be 20 ft. minimum.
Site setback, side	1st story: 15 ft. average for the development, 12 ft. minimum. 2nd and 3rd stories: 18 ft. minimum. An exception may be made for dwellings on parcels with frontage on a public street where the zoning administrator may approve lesser side setbacks to match the prevailing pattern along the block, as long as the setbacks are not less than 7 ft. for the 1st story and 15 ft. for the 2nd and 3rd stories.
Site setback, rear	1st story: 15 ft. average for the development, 12 ft. minimum.
Dwelling setback, front	15 ft. minimum from face of curb of common access driveway.
Dwelling setback, side	10 ft. minimum between principal structures.
Required yard area	Minimum 15 ft. by 15 ft. private yard except that the rear setback and yard may be reduced to 12 ft. to allow a portion of the house to encroach 3 ft. into the yard, provided that an area with increased setbacks is provided that is equal to or greater than the area covered by the encroachment. See also Site Setbacks, Side and Rear.
Height	See Sec. 36.08.30 for exceptions to height limits. R2 District: 30 ft. and 2 stories maximum. R3 District: 45 ft. and 3 stories maximum. Detached garages: 16 ft. maximum.
Parking	See Article X (Parking and Loading).

Common drive	Minimum width: 20 ft. Turn-around: If common drive is more than 150 ft. long, provide a cul-de-sac or "L"-shaped hammerhead turnaround in compliance with fire department regulations.

DIVISION 14. TOWNHOUSE DEVELOPMENT.

SEC. 36.16.10. Townhouse development.

Townhouse developments are permitted within the R2 and R3 districts through the planned unit development permit (PUD) process (Sec. 36.46.70). This process allows consideration of creation of townhouse developments provided that the total density (dwelling units per acre) of the project is equal to or less than the allowed density of the applicable zone district. Through the PUD process, the development is reviewed as a whole for consistency with the general purpose of the applicable zone district and the requirements and guidelines of this section.

SEC. 36.16.15. Townhouse development standards.

New townhouse developments shall conform to the following standards. In addition to the following requirements, townhouse developments will also be reviewed in the context of the design guidelines for townhouse development.

TOWNHOUSE DEVELOPMENT STANDARDS

Density	12 units per acre maximum, except that 14 units per acre is allowed when proposed average unit size is less than 1,400 sq. ft. including garage, and the total amount of paving coverage is less than 20 percent of lot area.
Lot area	Lot areas may be less than the minimum required by the underlying zone district.
Floor area ratio	0.55; except that each unit is permitted an additional 200 sq. ft. for a second enclosed parking space provided that the FAR does not exceed 0.60. The floor area ratio is calculated by dividing total building floor area (including garage) by total development site area (including common drive).
Setbacks	See Sec. 36.10.50 (R2 Zone Development Standards) and Sec. 36.10.70 (R3 Zone Development Standards) for setback requirements for each zone district. Also, see Sec. 36.14.75 for exceptions to required setbacks for properties in the R2 district.

Site coverage	35% of site, maximum area covered by structures.
Pavement coverage	25% of site, maximum outdoor area dedicated to automobile use (see Zoning Calculations: Methods, Definitions and Clarifications).
Open space	45% of site, minimum.
Personal storage	80 sq. ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.
Height limits	See Sec. 36.08.30 for exceptions to height limits. **R2 District:** 30 ft. and 2 stories maximum. **R3 District:** 45 ft. and 3 stories maximum.
Parking	See Article X (Parking and Loading).
Signs	See Article XII (Signs).

DIVISION 15. ROWHOUSE DEVELOPMENT.

SEC. 36.16.20. Rowhouse development.

Rowhouse developments are permitted within the R2 and R3 districts through the planned unit development (PUD) process (Sec. 36.46.70). This process allows consideration of creation of rowhouse developments provided that the total density (dwelling units per acre) of the project is equal to or less than the allowed density of the applicable zone district. Through the PUD process, the development is reviewed as a whole for consistency with the general purpose of the applicable zone district and the requirements and guidelines of this section.

SEC. 36.16.25. Rowhouse development standards.

New rowhouse developments shall conform to the following standards. In addition to the following requirements, rowhouse developments will also be reviewed in the context of the design guidelines for rowhouse development.

ROWHOUSE DEVELOPMENT STANDARDS

Density	**R2 Zones**: Equal to or less than the allowed density of the applicable zone district. **R3 Zones**: Equal to or less than the allowed density of the applicable zone district.
Lot area	Lot areas may be less than the minimum required by the underlying zone district.

Floor area ratio	0.90; calculated by dividing total building floor area (including garage) by total development site area (including common drive); except that a floor area ratio of 1.05 shall be allowed for rowhouse developments with densities equal to or greater than 20 units per acre.
Setbacks	See Sec. 36.14.75 for exceptions to required setbacks for properties in the R2 district. **Front (public streets):** 15 ft. minimum. **Rear**: 10 ft. minimum for the first two stories and 15 ft. min. for the third story. **Side and Rear Setbacks** adjacent to R1 (single-family) and R2 (one and two-family) zones: 15 ft. minimum.
Site coverage	35% of site, maximum area covered by structures.
Open space	35% of site minimum.
Personal storage	80 sq. ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.
Height limits	See Sec. 36.08.30 for exceptions to height limits; 45 ft. maximum; 36 ft. maximum to top of wall plate.
Parking	See Article X (Parking and Loading).
Signs	See Article XII (Signs).

ARTICLE V. COMMERCIAL ZONES.

DIVISION 1. PURPOSE.

SEC. 36.18. Purpose.

This section provides regulations applicable to development and new land uses in the commercial zoning districts established by Sec. 36.04 (Zoning Districts Established). The purposes of the individual commercial zoning districts are as follows:

a. **CN (Commercial-Neighborhood) district.** The CN zoning district provides convenient shopping for surrounding residential neighborhoods, including retail and service uses that members of the public can obtain from the business (e.g., grocery stores, cleaners, restaurants, beauty salons, tax preparation and similar and related compatible uses). The CN zoning district is not intended for uses that may attract traffic from outside the local area. The CN zoning district is consistent with the neighborhood commercial land use designation of the general plan.

b. **CS (Commercial-Service) district.** The CS zoning district allows service commercial and industrial uses that serve local residents and businesses. These uses include automotive repair, retail and wholesale businesses, carpentry shops, veterinary clinics and similar and related compatible uses. The CS zoning district is consistent with the general commercial land use designation of the general plan.

c. **CO (Commercial-Office) district.** The CO zoning district permits general business offices, medical, professional, real estate, financial and other offices and similar and related compatible uses. The CO zoning district is consistent with the office land use designation of the general plan.

d. **CRA (Commercial/Residential-Arterial) district.** The CRA zoning district permits a broad range of commercial, office and residential uses located along the city's major arterials. Businesses in this district are intended to serve the local population as well as providing goods to visitors from outside the city. This zoning district is intended for hotels and motels, retail stores, restaurants, offices, housing, similar and related compatible uses. The CRA zoning district is consistent with the mixed-use corridor and general mixed-use land use designations of the general plan.

DIVISION 2. LAND USES.

SEC. 36.18.05. Commercial zone land use permit requirements.

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the City Code ("P" uses on the tables). Per Sec. 36.44.45, development review approval is required for changes from one (1) permitted use to another, including changes in property or building use that involve exterior modifications or change the development's required parking.

b. Allowed subject to approval of a conditional use permit ("CUP") (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit ("TUP") (Sec. 36.46).

d. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments).

These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or Sec. 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY COMMERCIAL DISTRICT

NOTE 1: Where the last column on the following tables ("See Section") includes a section number, there are specific regulations and/or a specific definition in the referenced section that apply to the use; however, provisions in other sections may apply as well.

NOTE 2: Changes from one (1) permitted use to another require development review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
MANUFACTURING AND PROCESSING					
Food products		P			36.60.15
Furniture and fixtures		P			
Laundry and dry cleaning plants		P			
Printing and publishing		P			
Recycling—reverse vending machines	CUP	CUP	CUP	CUP	36.60.39
Recycling—small collection facility	CUP	CUP	CUP	CUP	36.60.39
Wholesaling and distribution		P			36.60.49
RECREATION, EDUCATION, PUBLIC ASSEMBLY					
Adult entertainment establishments				CUP	36.28.10
Child day-care facilities	CUP	CUP	CUP	CUP	36.28.20
Churches	CUP		CUP	P	
Community centers	CUP		CUP	CUP	
Indoor recreation and fitness centers	CUP	CUP		P	
Libraries and museums	CUP		CUP	CUP	
Membership organization facilities and meeting halls			CUP	CUP	
Outdoor commercial recreation				CUP	

Pool and billiard rooms				CUP	
Public schools	CUP	CUP	CUP	CUP	
Private schools	CUP		CUP	CUP	
Schools—specialized education and training	CUP	CUP	CUP	CUP	
Studios for dance, art, music, photography, martial arts, etc.	CUP	CUP	CUP	P	
Theaters				CUP	
RESIDENTIAL					
Home occupations				P	36.28.75
Multi-family housing, townhouses, rowhouses or mixed-use commercial/housing				CUP	36.18.50
Residential accessory use structures				P	36.12.35
Efficiency studios				CUP	36.28.40
RETAIL TRADE					
Accessory retail uses	P	P	P	P	36.28.05
Auto, mobile home, trailer and boat sales		P		CUP	36.30.25
Bars and drinking places		CUP		CUP	
Building material stores (not including concrete)		P		CUP	
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	36.28.30
Fuel and ice dealers		P		CUP	
Furniture, furnishings and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	
Outdoor merchandise and activities		CUP		CUP	36.28.95
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	36.46
Restaurants serving liquor, with entertainment				CUP	
Restaurants serving liquor, without entertainment	CUP	CUP		P	
Restaurants with or without beer and wine	P	CUP		P	
Restaurants, take-out	P	CUP		P	
Retail stores, general merchandise	P	CUP		P	36.60.39
Second hand stores		CUP		CUP	
Shopping centers	P			CUP	36.60.41

Significant tobacco retailer				CUP	36.30.20 and 36.30.30
Warehouse retail stores		CUP			36.30.40
SERVICES					
Animal service establishments	CUP	CUP	CUP	CUP	36.30.35
Automatic teller machines (ATMs)	P	P	P	P	
Banks and financial services	P		P	P	
Business support services		P		P	36.60.07
Cemeteries, columbariums and mortuaries			CUP	P	36.28.15
Commercial parking lots		CUP		CUP	
Contractors equipment: storage, sales or rental		P			
Drive-in and drive-through services	CUP	CUP	CUP	CUP	36.28.30
Hotels and motels				CUP	36.18.50
Plant nursery		P		CUP	
Medical services					
Medical services—< 3,000 square feet	P		P	P	36.60.29
Medical services—3,000 to 20,000 square feet	CUP		P	P	36.60.29
Medical services—> 20,000 square feet			CUP	CUP	36.60.29
Medical services—hospitals and extended care			CUP	CUP	36.60.29
Offices					
Offices	CUP	P	P	P	CN District: 36.18.15.B CS District: 36.18.20
Administrative and executive			P	P	
Research and development/light testing and assembly		P		CUP	CS District: 36.18.20 CRA District: 36.18.25
Personal services	P	CUP		P	36.60.35
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance—consumer products	P	P		P	36.60.39
Repair and maintenance—vehicle, major work		P			36.30.25, 36.60.39 and Chapter 39
Repair and maintenance—vehicle, minor work		P		CUP	36.30.25, 36.60.39 and Chapter 39

Service stations	CUP	CUP		CUP	36.30.15
Storage, accessory	P	P	P	P	36.60.41
Tow yards		CUP			
Electrical, plumbing and carpenter shops		P			
Warehousing		P			
TRANSPORTATION AND COMMUNICATIONS					
Pipelines and utility lines	P	P	P	P	
Transit stations and terminals		CUP		CUP	
Vehicle storage		P			36.60.47
OTHER USES					
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	CUP	CUP	36.18.05.d

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	36.44.45
Conditional use, Conditional Use Permit required	CUP	36.48
Temporary use, Temporary Use Permit required	TUP	36.46
Use not allowed		(Blank)
See Article XVII for definitions of land uses		

SEC. 36.18.10. Commercial zone special land use standards.

SEC. 36.18.15. CN zoning district special land use standards:

a. **Limitation on use.** No goods may be produced on a premise in the CN zoning district except those to be sold at retail on the same premises.

b. **Offices.** May be allowed by conditional use permit only where the zoning administrator determines that the proposed use is neighborhood-serving consistent with the purpose statement in Sec. 36.18.a and sufficient parking is provided.

SEC. 36.18.20. CS zoning district special land use standards.

a. **Office and research and development uses.** Office and research and development uses as defined in Sec. 36.60.33 may be permitted in the CS zoning district, subject to the following criteria:

1. Office and research and development uses may be permitted in multi-tenant buildings up to a maximum of forty-five (45) percent of the allowable floor area on each parcel. Ancillary office area, as determined by the zoning administrator, in tenant spaces occupied by nonoffice uses shall not be counted toward this percentage;

2. Existing buildings with office and research and development uses that exceed the criterion in subsection 1 must be brought into compliance by December 31, 2009 unless a conditional use permit has been granted to allow an extension to the nonconforming use. The zoning administrator may approve an extension up to January 1, 2040, subject to a determination that significant investment in buildings and improvements to serve the nonconforming office and research and development uses have been made with city approval and that significant remaining lifespan remains for these improvements.

SEC. 36.18.25. CRA zoning district special land use standards.

Limited research and development uses are allowed in the CRA district upon approval of a conditional use permit. The intent is to allow small-scale businesses that are office-like (such as software and Internet companies) and are compatible with the commercial, office and residential uses commonly found in the area; that do not involve manufacturing or the use of hazardous materials (except those normally associated with office buildings such as cleaning materials); and are located in buildings developed (or redeveloped) for office uses and not in individual tenant spaces in multi-center retail centers.

DIVISION 3. COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS.

SEC. 36.18.30. General development standards for commercial zones.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements.

a. **Facility upgrading required.** Any major alteration or expansion (as determined by the zoning administrator) that requires development review shall incorporate measures to upgrade all existing facilities to extent feasible within lot constraints (structures, parking, landscaping, signs, etc.) to the current standards of this chapter.

b. **Appearance of structures.** Where minimum structure setbacks are provided, streetscape interest and relief shall be provided through special attention to facade treatment, planters, awnings and similar features.

c. **Rooftop equipment.** All roof equipment must be screened with an opaque screen to be compatible with the building materials, form and design.

d. **Trash containers.** Trash enclosures shall be provided in all projects and shall be constructed of solid masonry or other suitable building materials, consistent with the building on-site, and shall be a minimum of six (6) feet in height, with solid, view-obstructing gates and a concrete pad in front to accommodate lifting and dropping of the dumpster. Trash enclosures shall be located in inconspicuous locations.

e. **Late-night use and activities.** The following standards apply to businesses abutting (either directly or across the street) residentially zoned properties with ongoing operations or activities between 11:00 p.m. and 6:00 a.m.

1. Businesses abutting residentially zoned properties that are open or have ongoing activities between the hours of 11:00 p.m. and 6:00 a.m. shall be operated in a manner to protect residential properties from excessive noise from any sources during those hours.

2. Upon substantial evidence that businesses' ongoing operations between the hours of 11:00 p.m. and 6:00 a.m. are creating excessive noise, the zoning administrator shall hold a public hearing in accordance with Sec. 36.48 (Conditional Use Permit) and may apply conditions of approval necessary to ensure the operation is compatible with the adjoining residentially zoned property. Said use permit shall be limited to operations or activities occurring between 11:00 p.m. and 6:00 a.m.

f. **Facade and site modifications.** Per Sec. 36.44.45, development review approval is required for exterior modifications to existing structures and site changes (including, but not limited to, new or modified landscaping, fencing, changes to parking lot striping or circulation). Exterior modifications performed and/or constructed without appropriate approvals shall require approval through development review of the alteration(s) or to return the building to its original condition. The zoning administrator may require additional improvements to make the building conform to acceptable standards for the area or zone district. Exterior modifications include, but are not limited to, the covering or blocking of window openings, which shall retain visibility between interior and exterior activities unless a permit for exterior modification has been approved through this process.

g. **Fences.** Fences or walls in required setbacks, other than front and street side setback areas, may not exceed seven (7) feet in height, subject to development

review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

DIVISION 4. COMMERCIAL-NEIGHBORHOOD (CN) ZONING DISTRICT STANDARDS.

SEC 36.18.35. CN zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CN ZONE DEVELOPMENT STANDARDS

Lot Area	No minimum.	
Lot Width	No minimum.	
Floor Area Ratio	No maximum.	
Setbacks	**Front**	15 ft. minimum; and 10 ft. of landscaping in front of parking.
	Sides	20 ft. minimum abutting other than a commercial zone; 10 ft. minimum on any street side; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential; none otherwise.
	Rear	20 ft. minimum; and 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
Height Limits	35 ft. and 2 stories, maximum. See Sec. 36.08.30 for exceptions to height limits.	
Landscaping	**Total Site**	Properties less than 15,000 sq. ft. in size: Minimum 10% of total site area shall be landscaped.
		Properties 15,000 sq. ft. and larger in size: Minimum 15% of total site area shall be landscaped.
	Street Frontages	Minimum 10 ft. wide landscape buffer shall be provided along all street frontages.

	Adjacent to Residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter Planting and Trees	Minimum 5 ft. wide screen planting shall be established along all interior property lines. Medium-to-large size trees shall be used and in scale with the commercial areas and serve as sidewalk canopies, screening and parking area shade and relief.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water efficient landscaping requirements.
		Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and Loading	See Article X (Parking and Loading)	
Signs	See Article XII (Signs)	
Other Developments Standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.	

DIVISION 5. COMMERCIAL-OFFICE (CO) ZONING DISTRICT STANDARDS.

SEC 36.18.40. CO zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CO ZONE DEVELOPMENT STANDARDS

Lot Area	12,000 sq. ft. minimum.	
Lot Width	No minimum.	
Floor Area Ratio	0.35 for offices.	
Setbacks	**Front**	25 ft. minimum; and 10 ft. of landscaping in front of parking.
	Sides	10 ft. minimum; and 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
Height Limits	35 ft. and 2 stories, maximum. See Sec. 36.08.30 for exceptions to height limits.	
Landscaping	**Total Site**	Properties less than 15,000 sq. ft. in size: Minimum 10% of total site area shall be landscaped.
		Properties 15,000 sq. ft. and larger in size: Minimum 15% of total site area shall be landscaped.
	Street Frontages	Minimum 10 ft. wide landscape buffer shall be provided along all street frontages.
	Adjacent to Residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter Planting and Trees	Minimum 5 ft. wide screen planting shall be established along all interior property lines.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water efficient landscaping requirements.
		Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

Parking and Loading	See Article X (Parking and Loading)
Signs	See Article XII (Signs)
Other Development Standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.

DIVISION 6. COMMERCIAL/RESIDENTIAL-ARTERIAL (CRA) ZONING DISTRICT STANDARDS.

SEC. 36.18.45. CRA Zone Development Standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CRA ZONE DEVELOPMENT STANDARDS

Lot Area	20,000 sq. ft. for hotels and mixed-use; other uses no minimum.	
Lot Width	No minimum.	
Residential Density (maximum)	See Sec. 36.18.50.b.	
Floor Area Ratio	0.35 for offices and R&D; 1.35 for mixed-use.	
Setbacks	**Front**	10 ft. of landscaping in front of parking; 20 ft. average for parking on lots 200+ ft. deep, or 20,000+ sq. ft.; 5 ft. of landscaping between building and sidewalk where no street setback is required.
	Sides	10 ft. minimum on any street side; equal to building height, 10 ft. minimum, next to residential; 5 ft. of landscaping next to parking; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	Same as side yard.

Height Limits	45 ft. and 3 stories maximum. See Sec. 36.08.30 for exceptions to height limits.	
Landscaping	**Commercial**	For nonmixed-use commercial projects: Properties less than 15,000 sq. ft. in size: Minimum 10% of total site area shall be landscaped. Properties 15,000 sq. ft. and larger in size: Minimum 15% of total site area shall be landscaped.
	Residential	For residential uses on sites larger than 20,000 sq. ft.: Minimum 45% of the total area of the site shall be permanently landscaped. For nonmixed-use residential sites with more than 4 units, 45% of the total area of the site shall be permanently landscaped.
	Street	Minimum 10 ft. wide landscape buffer shall be provided along the street in front of parking, which should be increased to 20 ft. on lots 200 ft. or more in depth and/or 15,000 sq. ft. or greater in size.
	Adjacent to Residential	A 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Additional Requirements	See Sec. Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements.
		Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and Loading	See Article X (Parking and Loading)	
Signs	See Article XII (Signs)	
Other Development Standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.	

SEC. 36.18.50. CRA zoning district special development standards.

The following special standards apply to the specified land uses in the CRA zoning district:

a. **Hotels and motels.** Hotels and motels are allowed only on sites with an area of twenty thousand (20,000) square feet or larger, shall have a maximum FAR of 1.35 and comply with the setback and height standards listed in Sect. 36.18.50.b.

b. **Residential and mixed-use projects.** New residential and mixed-use developments shall be designed and constructed in compliance with the following requirements:

DEVELOPMENT STANDARDS FOR RESIDENTIAL AND MIXED USE

Dwelling Unit Standards	The following standards apply to Multi-Family Housing: Standards for townhouse and rowhouse developments are listed separately in Sec. 36.16.10 and 36.16.20, respectively. See Zoning Calculations: Methods, Definitions and Clarifications handout for details.	
Lot Area	20,000 sq. ft. minimum, except that lot sizes in townhouse and rowhouse developments approved through a PUD permit are listed separately in Sec. 36.16.10 and 36.16.20, respectively.	
Lot Width	None.	
Density	43 units per acre maximum.	
Floor Area Ratio	1.35 maximum for office, retail and housing (office portion shall not exceed 0.35 FAR).	
Setbacks	See Sec. 36.14.75 for exceptions to required setbacks for properties in the R2 district.	
	Front	5 ft. behind sidewalk minimum.
	Rear	15 ft. minimum, but not less than the height of the adjacent wall of the subject parcel (measured to top of wall plate).
	Sides	15 ft. minimum.

	Between Principal Structures	One-half (1/2) the sum of nearest opposing walls of the subject parcel (measured to top of wall plate).
Site Coverage	None.	
Pavement Coverage for Area Dedicated to Auto	25% of site; the zoning administrator may approve higher percentage in proportion to commercial in mixed-use development.	
Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	Maximum building height (to ridge): 45 ft.; Maximum wall height to top of wall plate: 35 ft. Except that buildings with commercial space may have a maximum building height (to ridge) of 50 ft.; lower building height may be required for portions of buildings adjacent to existing residential.	
Open Area	45%, including 40 sq. ft. of private open area per unit; the zoning administrator may approve reduced open area in proportion to commercial space in mixed-used development.	
Fences	Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (see Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.	
Personal Storage	80 sq. ft. of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area.	
Parking	See Article X (Parking and Loading).	
Signs for Commercial Uses in Mixed Use Development	See Sec. 36.36.50. (Signs). The zoning administrator may modify the sign regulations as appropriate for a development that includes residential uses.	

DIVISION 7. COMMERCIAL-SERVICES (CS) ZONING DISTRICT STANDARDS.

SEC. 36.18.55. CS zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CS ZONE DEVELOPMENT STANDARDS

Lot Area	No minimum.	
Lot Width	No minimum.	
Floor Area Ratio	No maximum.	
Setbacks	**Front**	10 ft. of landscaping in front of parking; 5 ft. of landscaping between building and sidewalk where no street setback is required.
	Sides	10 ft. minimum on any street side; 5 ft. of landscaping next to parking; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	Same as side yard.
Height Limits	No maximum. See Sec. 36.08.30 for exceptions to height limits.	
Landscaping	**Street and Sidewalk**	Minimum 10 ft. wide landscape screen shall be provided along the street in front of parking. Minimum 5 ft. wide landscape buffer shall be provided between the building and sidewalk where no street setback is required.
	Adjacent to Residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter Planting	Minimum 5 ft. wide screen planting shall be established along all interior property lines.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements.
		Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.
Parking and Loading	See Article X (Parking and Loading)	

Signs	See Article XII (Signs)
Other Development Standards and References	See Zoning Calculations: Methods, Definitions and Clarifications handout.

ARTICLE VI. INDUSTRIAL ZONES.

DIVISION 1. PURPOSE.

SEC. 36.20. Purpose.

This article provides regulations applicable to development and new land uses in the industrial zoning districts established by Sec. 36.04 (Zoning Districts Established). The purposes of the individual industrial zoning districts are as follows:

a. **ML (Administrative, Research and Limited Industrial) district.** This district is designed to provide an environment conducive to the development and protection of modern, large-scale administrative facilities, research institutions and specialized manufacturing organizations, all of a nonnuisance type. The ML zoning district is consistent with the general industrial and high-intensity office land use designations of the general plan.

b. **MM (General Industrial) district.** This district is designed to encourage sound industrial development in the city by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the air and waters in the bay area, and the protection of nearby residential uses of the land from hazards and noise or other radiated disturbances. The MM zoning district is consistent with the general industrial and high-intensity office land use designation of the general plan.

DIVISION 2. LAND USES.

SEC. 36.20.05. Industrial zone land use permit requirements.

The uses of land allowed by this chapter in each industrial zoning district are identified in the following tables as being:

a. Permitted subject to compliance with all applicable provisions of this chapter, including development review and parking requirements, and subject to obtaining any building permit or other permit required by the City Code ("P" uses on the tables). Per Sec. 36.44.45, development review approval is required for changes

from one (1) permitted use to another, including changes in property or building use that involve exterior modifications or change the development's required parking.

b. Allowed subject to approval of a conditional use permit ("CUP") (Sec. 36.48).

c. Allowed subject to approval of a temporary use permit ("TUP") (Sec. 36.46).

d. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Sec. 36.52.35 (Zoning Amendments). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Sec. 36.58.30 (Procedures for Interpretation).

e. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Sec. 36.06.40 (Determination of Allowable Land Uses) or 36.06.50 (Exemptions from Zoning Permit Requirements).

LAND USES AND PERMIT REQUIREMENTS BY INDUSTRIAL DISTRICT

NOTE 1: Where the last column on the following tables ("See Section") includes a section number, there are specific regulations in the referenced section that apply to the use and/or a specific definition of the use; however, provisions in other sections may apply as well.

NOTE 2: Changes from one (1) permitted use to another require development review approval.

LAND USE	PERMIT REQUIREMENTS BY ZONE		
	ML	MM	SEE SECTION
MANUFACTURING AND PROCESSING			
Assembly or packaging of previously prepared materials (i.e., cloth, plastic, paper, leather, precious or semiprecious metals/stones)	P		
Experimental, film or testing laboratories	P		
Food products	P		36.60.15

General manufacturing, including processing and assembly		P	
Industrial controls, motors, and generators		P	
Instruments for measurement, testing, analysis and control		P	
Manufacture of electric and electronic instruments and devices (i.e., television, radio and phonographic equipment)	P	P	
Optical instruments and lenses		P	
Pharmaceuticals	P		
Photographic equipment and supplies		P	
Primary production of wood, metal or chemical products from raw materials or any use listed as a conditional use in the ML district	P		
Printing, publishing and lithography	P		
Processing of products, assembly or creation of machinery, apparatus and supplies for the generation, storage, transmission and use of electrical energy and related industries		P	
Semiconductor fabrication		P	
Telephone apparatus		P	
Wholesaling and distribution	P	P	36.60.49, ML District: 36.20.15.a.2
RECREATION, EDUCATION AND PUBLIC ASSEMBLY			
Educational, public or quasi-public	CUP	CUP	MM District: 36.20.20.a.2
Child-care center	CUP	CUP	36.28.20, 36.20.10.g
Churches	CUP	CUP	36.20.10.e
Membership organization facilities and meeting halls, public halls	CUP	CUP	
Recreational, public or quasi-public	CUP	CUP	MM District: 36.20.20.a.2
RETAIL TRADE			
Drive-in and drive-through services	CUP	CUP	36.28.30, 36.20.10.f
Restaurants without beer and wine	P	CUP	36.20.10.b, ML District: 36.20.15.a.1
Restaurants serving liquor, without live entertainment	P	CUP	36.20.10.b

Restaurants serving liquor, with live entertainment, dancing	CUP	CUP	36.20.10.b
Retail stores, general merchandise	CUP	CUP	36.60.39 and 36.20.10.c
Warehouse retail	CUP	CUP	36.20.10.d and 36.30.40
TRANSPORTATION AND COMMUNICATION			
Public and quasi-public utility and services	CUP	P	
Service station	CUP	CUP	36.30.15
SERVICES			
Animal service establishments		CUP	36.30.35
Auto wrecking yard		CUP	36.60.23
Business support services		CUP	36.60.07
Concrete mixing and asphalt mixing yards		CUP	
Data centers	P	P	ML District: 36.20.15.a.2
Junk yard, auto wrecking yard, tow yard		CUP	36.60.23
Office			36.60.33, MM District: 36.20.20.a.1
Administrative and executive	P	CUP	
Financial	P	CUP	
Research and development	P	CUP	MM District: 36.20.20.a.3
Personal storage facility		P	36.60.35
Repair and maintenance—vehicle, minor repair		CUP	36.30.25, 36.60.39 and Chapter 39
Repair and maintenance—vehicle, major repair		CUP	36.30.25, 36.60.39 and Chapter 39
Storage		P	
Warehousing	P	P	ML District: 36.20.15.a.2
OTHER USES			
Crop, tree farming, livestock	P	P	36.20.10.a
Emergency shelters	P		36.28.60
Railroad yards, freight stations, trucking and motor freight stations		P	
Other uses not named but similar to listed uses as determined by the zoning administrator	CUP	CUP	

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	36.44.45
Conditional use, Conditional Use Permit required	CUP	36.48
Temporary use, Temporary Use Permit required	TUP	36.46
Use not allowed		(Blank)
See Sec. 36.60.03 for definitions of land uses		

DIVISION 3. STANDARDS FOR SPECIFIC LAND USES.

SEC. 36.20.10. General.

The following land uses have specific regulations pertaining to operations and development standards applicable to both the ML and MM zoning districts:

a. **Crop, tree farming, livestock.** Crop and tree farming and livestock of the cow, horse, sheep or goat species is permitted in the ML and MM districts, where at least ninety (90) percent of the acreage required by Chapter 5 of the city code is open and unimproved, and subject to the provisions of that chapter.

b. **Restaurants with or without liquor or live entertainment.** Restaurants and other establishments providing entertainment, or permitting dancing or serving liquor for consumption on the premises which will not impair the present or potential use of adjacent or nearby properties are conditionally permitted in the ML and MM districts.

c. **Retail commercial.** Appropriate retail commercial and service uses are conditionally permitted in the ML and MM districts, such as cafés or service stations necessary to serve those districts.

d. **Warehouse retail.** Warehouse retail stores which meet the following criteria are conditionally permitted in the ML and MM Districts:

1. The building and site design shall complement the surrounding industrial development. It shall be comparable to the architectural and design quality expected of new buildings in the area, including quality of materials, building design, building orientation, site design, landscaping and buffering. The building shall reflect the retail aspect of the use by incorporating storefront features such as facade ornamentation and special detailing which identify the entryway and provide pedestrian-level interest to the facade.

2. Warehouse retail uses shall comply with the basic site development regulations of the ML or MM district, regarding area and yard requirements, landscaping, screening, etc., unless otherwise described in this section. The zoning administrator shall evaluate sign needs and determine the size, height, lighting, shape, color, number and location of signs based on the CRA standards in Sec. 36.36.55.

3. Warehouse retail buildings and facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, trash containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard from off-site.

4. When evaluating applications for warehouse retail uses near residential areas, particular attention shall be given to the potential traffic, noise, visual and other effects of warehouse retail uses on the residential uses.

5. Retail commercial parking requirements, including number and design standards, shall apply unless the zoning administrator grants exceptions or imposes special requirements based on the nature of this use. The zoning administrator shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.

6. The zoning administrator may approve shared parking with an adjoining industrial use if compatible hours of operation can be proven and deed restrictions, long-term parking agreements or other legally binding instruments are recorded.

7. Because of high on-site pedestrian and auto activity, the design shall include clearly defined building entrances, specially designated areas to accommodate customer pickup, and pedestrian walks from the parking areas to the building.

8. The use shall be allowed in P (planned community) districts that reference the ML or MM district, provided that the applicable precise plan specifically lists warehouse retail as a conditional or provisional use.

9. The use shall be located only on streets where there is adequate traffic capacity.

e. **Churches.** Churches and religious uses where it is demonstrated that they are convenient and in close proximity to residential neighborhoods are conditionally permitted in the ML and MM districts.

f. **Drive-up or drive-in services**. Any use which has as a part of its design or function drive-up or drive-in services are conditionally permitted in the ML and MM districts, where special attention has been given to mitigate problems of noise, air pollution, excessive pavement, congestion, litter, unsightliness and access to the disabled.

g. **Child-care centers and highly sensitive uses.** No new child-care facility(ies) or highly sensitive use(s) shall be permitted in the ML or MM districts with the following exception where both subsection 1(a) and 1(b) can be met:

1. A child-care facility may be permitted if it meets all of the following requirements:

(a) **Operation**. The child-care facility is owned, operated and located on a company's site and exclusively serves parents employed in the company.

(b) **Adjacent Uses.** The child-care facility is located at least one thousand (1,000) feet from the boundaries with adjacent properties zoned for industrial use or the adjacent property owner(s) agree(s) in writing to prohibit the use of extremely hazardous material on their property and notify any tenants of this restriction.

(c) **Conditional Use Permit.** The child-care facility received conditional use permit approval as provided in City Code Sec. 36.48. The conditional use permit shall be in effect only while the same company occupies the site.

2. **Specific district requirement for the ML district only:** The portion of the ML district along Polaris Avenue and Wright Avenue may be considered for highly sensitive uses subject to a conditional use permit as provided in Sec. 36.48, except that all ML properties in the vicinity must receive public notice of the hearing in addition to standard noticing requirements.

SEC. 36.20.15. ML zoning district special land use standards.

The following land uses have specific regulations pertaining to operations and development standards:

a. **Permitted uses.** The following uses are permitted in the ML zoning district:

1. **Restaurants with or without sale of beer and wine.** Restaurants, including incidental sale of beer and wine for consumption on the premises and retail and service uses to serve employees in the ML district that meet the following criteria:

(a) The use is a minor, and clearly ancillary, part of a larger permitted or conditional use on a parcel.

(b) The total floor area of the commercial uses does not exceed three thousand (3,000) square feet.

(c) The use is not immediately adjacent to loading docks, outside storage and equipment areas or other activity areas with high noise levels, odors or other conditions undesirable for commercial uses.

(d) The use is not on a parcel, or adjacent to a parcel, where extremely hazardous materials, as defined in Sec. 36.60.13, are used.

(e) Parking is provided at a ratio that is no less than the ratio required for the primary use on the site.

(f) Signs are permitted pursuant to Article XII. In addition, commercial uses permitted under this section are allowed a freestanding sign with an area not to exceed ten (10) square feet.

2. **Wholesale, warehousing and data centers**. Wholesale businesses and warehousing and data centers, when conducted within a fully enclosed building.

b. **Conditionally permitted uses.** The following uses are conditionally permitted in the ML zoning district:

1. **Research, light manufacturing and public service use.** Any other research, light manufacturing or public service use which the zoning administrator finds to be consistent with the purpose of this article and which will not impair the present or potential use of adjacent properties.

c. **Accessory uses.** The following accessory uses in the ML District are permitted subject to development review approval and permits:

1. Accessory uses and buildings customarily appurtenant to a permitted use.

2. Outside storage and equipment areas amounting to not more than four (4) percent of the total lot which shall be screened from view from adjoining streets or properties. Incidental services such as cafeterias, fitness or laundry facilities to serve employees.

SEC. 36.20.20. MM zoning district special land use standards.

The following land uses have specific regulations pertaining to operations and development standards:

a. **Conditionally permitted uses.** The following uses are conditionally permitted in the MM zoning district:

1. **Office.** Administrative, executive and financial offices which are deemed by the zoning administrator to be appropriate in the MM district, provided that the landscaping meets the approval of the zoning administrator.

2. **Educational or recreational uses**. Uses of an educational or recreational nature considered appropriate for the MM district such as service or industrial job training.

3. **Research and development.** Research and development offices, devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes some laboratory space or other small-scale manufacturing operations.

b. **Accessory Uses.** The following accessory uses in the MM district are permitted subject to development review approval and permits:

1. Incidental services, such as cafeterias, fitness or laundry facilities to serve employees.

2. Other accessory uses and buildings customarily appurtenant to a permitted use.

DIVISION 4. LIMITED INDUSTRIAL (ML) ZONING DISTRICT STANDARDS.

SEC. 36.20.25. ML zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

ML ZONE DEVELOPMENT STANDARDS

Other References	See Zoning Calculations: Methods, Definitions and Clarifications.	
Lot Area	40,000 sq. ft. minimum.	
Lot Width	None.	
Floor Area Ratio	For industrial, office and warehouse retail buildings: 0.35 maximum; For warehousing: 0.40 maximum. Any building area for child-care facilities approved pursuant to Sec. 36.20.10.g shall not be included in the floor area ratio.	
Setbacks	The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks.	
	Front	Average building setback of 30 ft. with a minimum no less than 20 ft.
	Sides	An aggregate side yard width of 30 ft. with no minimum requirement on any side except as may be required by site plan and architectural approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration. On corner lots, a minimum 10 ft. street side setback is required.
	Rear	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	None; provided, however, that all sides of buildings except the front shall be confined within inclined planes sloping inward at a ratio of 1 ft. vertically to 2 ft. horizontally; such planes beginning directly above property lines at a height 40 ft. above the average grade along that line.	

Landscaping Required	**Total Site.** A minimum landscaped area of 15% of the lot area of interior lots and 20% of corner lots shall be provided. **Front Yard.** A total of at least two-thirds (2/3) of the required front yard area shall be landscaped with suitable planting. **Corner Lots**. On corner lots there shall be a minimum landscaped side yard on the side abutting the street right-of-way of 10 ft.
	Public parking areas abutting residentially zoned parcels shall have an acoustically designed 7 ft. high wood or decorative masonry wall, to properly screen the parking area(s), subject to approval by the zoning administrator, who may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.
Parking	Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping. See Article X (Parking and Loading) for additional requirements.
Signs	See Article XII (Signs).
Other Development Standards	**Rooftop equipment.** All roof equipment must be screened with an opaque screen to be compatible with the building materials, form and design. **Trash enclosure.** Any trash containers must be within an opaque enclosure. **Fences and walls.** Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

SEC. 36.20.30. Development review required.

Development review approval is required as provided in City Code Sec. 36.44.45.

DIVISION 5. GENERAL INDUSTRIAL (MM) ZONING DISTRICT STANDARDS.

SEC. 36.20.35. MM zone development standards.

New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

MM ZONE DEVELOPMENT STANDARDS

Other References	See Zoning Calculations: Methods, Definitions and Clarifications.	
Lot Area	20,000 sq. ft. minimum, unless 40,000 sq. ft. is required.	
Lot Width	None.	
Floor Area Ratio	For industrial, office and warehouse retail: 0.35 maximum; For warehousing: 0.45 maximum; and For personal storage facilities: 0.55 maximum. The building area for child-care facilities approved pursuant to Sec. 36.20.10.g shall not be included in floor area ratio calculations.	
Setbacks	The following setbacks apply to any new construction, additions or replacement floor area, regardless of the existing building's setbacks.	
	Front	25 ft. minimum.
	Sides	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
	Rear	None, except as may be required by development review approval to ensure a reasonable layout taking not only the particular development, but also adjacent developments into consideration.
Height Limits	See Sec. 36.08.30 for exceptions to height limits.	
	None; provided, however, that no structure shall exceed 50 ft. in height if located within 200 ft. of any R district.	
Landscaping Required	**Total Site.** A minimum landscaped area of 10% of the lot shall be provided. **Front Yard**. At least 50% of the required front yard area which must be landscaped. **Corner Lots**. On corner lots there shall be a minimum landscaped side yard on the side abutting the street right-of-way of 10 ft.	
	Public parking areas abutting residentially zoned parcels shall have an acoustically designed 7 ft. high wood or decorative masonry wall, to properly screen the parking area(s), subject to approval by the zoning administrator, who may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.	

Parking	Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping. See Article X (Parking and Loading) for additional requirements.
Signs	See Article XII (Signs).
Other Development Standards	**Storage.** Exterior storage shall be screened by fencing or landscaped treatment in such a manner as not to impair adjoining property values. **Roof Screen.** All roof equipment must be screened with an opaque screen designed to be compatible with the building materials, form and design. **Trash Enclosure**. Any trash containers must be within an opaque enclosure. **Fences or Walls**. Fences or walls in required setbacks, other than front and street side setback areas, may not exceed 7 ft. in height, subject to development review (See Sec. 36.44.45). On a case-by-case basis, the zoning administrator may consider fences or walls of additional height.

SEC. 36.20.40. Development review required.

Development review approval is required as provided in City Code Sec. 36.44.45.

ARTICLE VII. PLANNED COMMUNITY (P) DISTRICTS.

SEC. 36.22. Planned community (P) districts.

SEC. 36.22.05. Purpose.

This district is designed to provide for those uses or combinations of uses which may be appropriately developed as a planned area development. It is intended to be applied only to those areas which by reason of their proximity to other zoning districts, topography, geographic location, size, shape or existing development, require special consideration in order to be properly integrated into the community and adjacent developed districts, and to further the planned circulation patterns, residential densities, planned coverage limitations, and in furtherance of the preservation of open spaces, as required by modern land planning and zoning concepts and techniques.

SEC. 36.22.10. Permitted uses.

Any use permitted in any other zoning district may be permitted in a P district, either alone or in combination with other uses, after it has first been determined that the area to be so zoned requires the special consideration herein mentioned.

SEC. 36.22.15. Area requirements.

Planned community zoning shall not be applied to an area which contains less than two (2) acres.

SEC. 36.22.20. Height, area and yard requirements and regulations.

None, except as may be imposed by the precise plan or as conditions upon the granting of a planned community permit.

SEC. 36.22.25. Signs.

All signs shall conform to the sign provisions of the applicable precise plan for the district. Such plan may require that proposed sign regulations approved in writing by a majority of the property owners of the district be submitted to the zoning administrator for approval. If such proposal is approved by the zoning administrator, all signs shall be required to conform to it. The sign standards applicable in a P district, whether or not consented to by property owners, may be amended from time to time by the city council, provided a reasonable amortization period is allowed for any existing signs which are thereby made nonconforming.

SEC. 36.22.30. Permit required.

A planned community permit shall be required except as specified in Sec. 36.22.35 prior to the development of any use within a P district, other than crop and tree farming. Said permit shall set forth with particularity the nature of each use to be permitted, and shall define the location and extent of each such permitted use by reference to a map or maps attached to said permit. The application for such permit may be considered concurrently with, or subsequent to, the consideration of P district zoning.

SEC. 36.22.35. Precise plan.

The city may adopt a precise plan to delineate uses, relationships to other areas, intensity of use, circulation, design criteria, procedures for development review and special conditions.

A precise plan may authorize issuance of a planned community permit by the zoning administrator as provided in Sec. 36.50.30, and may authorize administrative approval of signs, minor site changes and minor building alterations that are in conformity with the plan without the necessity of a planned community permit, provided in all cases the precise plan contains reasonable and adequate standards for the granting of such administrative approvals.

a. The adoption or amendment of a precise plan may be initiated by the city council or the environmental planning commission or any interested party. Initiation by an interested party shall require payment of a filing fee as hereafter may be established by resolution of the city council, and the application shall be accompanied by materials supportive of the application and showing the exact nature of a proposed plan or amendment. Submitted materials should include statements justifying why the proper functioning of the community requires the adoption or amendment of the plan as proposed, and in the case of an amendment to a plan, why the plan is more suitable for the area than the existing plan.

b. The environmental planning commission shall hold at least one (1) public hearing thereon and shall give notice thereof as provided in Sec. 36.56. The environmental planning commission shall within sixty (60) days after the close of such public hearing make its recommendation to the city council.

c. The city council shall hold at least one (1) public hearing thereon after having given notice of such hearing as provided in Sec. 36.56 and may thereafter by resolution, adopt, amend or decline to adopt such precise plan. Any substantial amendment to the precise plan proposed by the environmental planning commission may be referred back to the environmental planning commission for comment.

ARTICLE VIII. OTHER ZONES AND OVERLAY DISTRICTS.

DIVISION 1. AGRICULTURE (A) ZONING DISTRICT STANDARDS.

SEC. 36.24. Agricultural zoning district standards.

SEC. 36.24.05. Purpose.

To preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for the economical provision of utilities, major streets and other facilities, so that compact, orderly development will occur.

SEC. 36.24.10. Principal permitted uses.

a. Agriculture, except those specified in Sec. 36.24.20.

b. Ranch and farm dwellings appurtenant to a principal agricultural use.

c. Public parks and recreation areas.

d. Single-family residence.

SEC. 36.24.15. Accessory uses.

a. Living quarters of persons regularly employed on the premises but not including labor camps and labor dwellings, accommodations or areas for transient labor.

b. Guest houses, not rented or otherwise conducted as a business.

c. Customary incidental home occupations, when conducted in a dwelling, subject to the provisions of Sec. 36.28.75.

d. Offices incidental and necessary to the conduct of a permitted use.

e. Other accessory uses and buildings customarily appurtenant to a permitted use.

f. Roadside stand not exceeding four hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, exclusively for the sale of agricultural products grown on the premises.

g. Child-care centers as an accessory use in a church.

SEC. 36.24.20. Conditional uses.

a. Private noncommercial recreation uses and facilities, including swimming pools, golf courses and tennis courts.

b. Dairy farms or the raising or keeping of farm animals.

c. Animal feed and sales yards, agricultural processing plants, fertilizer plants and yards.

d. Quarters, accommodations or areas for transient labor, such as labor cabins or camps.

e. Commercial recreation uses and facilities.

f. Cemeteries, crematories, mausoleums and columbariums.

g. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type, including public utility buildings, structures and uses; but not including corporation, storage or repair yards, warehouses and similar uses.

h. Poultry farm when any building housing more than four (4) poultry is at least two hundred (200) feet from every lot line.

i. Animal service establishments, as needed to serve the city, which do not impinge on existing or proposed residential uses, in accordance with Sec. 36.30.35.

j. Riding academies and commercial stables, including horse rentals, horse riding trails, riding rings, horse training tracks, equestrian clubs and boarding provided that structures housing animals are at least two hundred (200) feet from any property line and a minimum of four (4) acres of land is provided.

k. Child-care centers.

SEC. 36.24.25. Height regulations.

No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height.

SEC. 36.24.30. Area lot width and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses:

a. **Lot area**. The minimum lot area shall be one (1) acre.

b. **Lot width**. All lots shall have a width of at least one hundred (100) feet.

c. **Front yard**. There shall be a front yard of at least twenty (20) feet.

d. **Side yard**. There shall be a minimum side yard of twenty (20) feet.

e. **Rear yard**. There shall be a minimum rear yard of twenty (20) feet.

SEC. 36.24.35. Other required conditions.

Any building or enclosure in which animals or fowl are kept except as a permitted accessory use are contained, shall be distant at least one hundred (100) feet

from any adjacent lot in any R or C district, or from any school or institution for human care.

DIVISION 2. PUBLIC FACILITY (PF) ZONING DISTRICT STANDARDS.

SEC. 36.24.35. Public facility zoning district standards.

SEC. 36.24.40. Purpose.

To foster the orderly development of educational and public service uses in the community and of special approved uses on city land; to ensure their presence as a vital part of the neighborhood balance; and to prevent intrusion of uses which may overburden neighborhood facilities and resources.

SEC. 36.24.45. Principal permitted uses.

a. City-owned facilities.

b. Public parks and open space.

c. County, state and federally owned facilities.

d. Public schools intended to serve the immediately surrounding neighborhood.

e. Uses and facilities, whether constructed publicly or privately, developed on city-owned land and intended for a purpose found by the city to be in the public interest.

f. Crop and tree farming and livestock of the cow, horse, sheep or goat species where at least ninety (90) percent of the acreage required by the animal control ordinance is open and unimproved, and subject to the provisions of Chapter 5 of the city code.

g. Child-care centers that comply with the following standards:

1. Adequate on-site drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or create circulation problems in parking lots.

2. The proposed site shall not be adjacent to a gas station, automobile repair shop or similar businesses that use, sell or store significant amounts of hazardous materials.

3. Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along boundaries with residential uses.

4. Development review shall be required as provided in City Code Sec. 36.44.45.

SEC. 36.24.50. Accessory uses.

a. Child-care centers as an accessory use in a church.

SEC. 36.24.55. Conditional uses.

a. Private schools and public schools intended to serve a broader population than the immediately surrounding neighborhood.

b. Any other public and quasi-public buildings and the uses of a recreational, educational, religious, cultural or public service type, not specifically mentioned above, including public utility buildings, structures and uses; but not including corporation storage or repair yards, warehouses and similar uses unless the adjacent zoning is industrial.

c. Temporary private and quasi-public office and studio uses of low-intensity, providing space for artists, dance, music, or theater and low-intensity private office use, with adherence to the following guidelines:

1. Usage shall be conducted in existing buildings or facilities, and no major renovation of the facilities or new building construction shall be permitted.

2. Private uses shall be low-intensity, involving little public interaction, minimum traffic generation, and general compatibility with surrounding uses.

3. Approval shall be limited to a maximum of five (5) years, subject to renewal with application.

4. No additional parking or major modification of the parking facilities is needed in order to accommodate the use.

5. Outside activity producing noise or visual problems shall be limited, and there shall be no outside storage of any materials.

6. Public events, including sale of items made on the premises, shall be limited and specified within the conditional use permit.

7. The continued maintenance and availability of open lands for public use shall be assured.

d. Child-care centers that do not comply with the standards in Sec. 36.24.45.g.

SEC. 36.24.60. Front, rear and side yard requirements.

Front, rear and side yards must be at least equal to the height of the building, but in no case less than twenty (20) feet.

SEC. 36.24.65. Lot coverage.

Buildings or structures shall not cover more than thirty-five (35) percent of the total lot.

SEC. 36.24.70. Open green area.

Open green area shall occupy no less than fifty-five (55) percent of the lot.

SEC. 36.24.75. Development review approval.

Development review approval shall be required as provided in City Code Sec. 36.44.45. In the case of projects of community-wide or regional significance, or where otherwise deemed appropriate by the council, special city council review may be substituted in lieu of development review permit approval.

DIVISION 3. FLOOD PLAIN (F) ZONING DISTRICT STANDARDS.

SEC. 36.26. Flood plain zoning district standards.

SEC. 36.26.05. Purpose.

To protect persons and property from hazards of development in areas subject to tidal or floodwater inundation, and to protect the community from the costs which may be incurred when unsuitable development occurs in such areas. To allow uses which may be appropriately located in a flood plain.

SEC. 36.26.10. Principal permitted uses.

a. Public parks and recreation areas.

b. Extraction of chemicals from sea water by natural evaporation or distillation.

c. Crop and tree farming and livestock of the cow, horse, sheep or goat species, where at least ninety (90) percent of the acreage required by the animal control ordinance is open and unimproved, and subject to the provisions of Chapter 5 of the City Code.

SEC. 36.26.15. Accessory uses.

a. Living quarters of persons regularly employed on the premises, but not including labor camps and dwellings for transient labor.

b. Offices incidental and necessary to the conduct of a permitted use.

c. Private garages and parking areas.

d. Other accessory uses and buildings customarily appurtenant to a permitted use.

SEC. 36.26.20. Conditional uses.

a. Private recreation areas, uses and facilities, including golf course, shooting clubs and facilities, yacht clubs and facilities.

b. Boatyards.

c. Outdoor theaters, golf driving ranges, commercial swimming pools and other similar commercial recreation facilities.

d. Livestock.

e. Any other use which, in the judgment of the zoning administrator, will not be inconsistent with the purpose of this article, and will not impair the present or potential use of adjacent properties.

SEC. 36.26.25. Height regulations.

No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height.

SEC. 36.26.30. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except where increased or decreased for conditional uses:

a. **Lot area.** Five (5) acres.

b. **Lot width.** Two hundred (200) feet.

c. **Front yard.** There shall be a front yard of at least fifty (50) feet.

d. **Side yard.** There shall be a minimum side yard on one side of twenty (20) feet with a total of fifty (50) feet on both sides.

e. **Rear yard.** There shall be a rear yard of at least twenty (20) feet.

DIVISION 4. INTERIM (U) ZONING DISTRICT STANDARDS.

SEC. 36.26.35. Interim zoning district standards.

SEC. 36.26.40. Purpose.

The purpose of this interim zone district is to provide for temporary uses of recently annexed property, without permitting the erection of structures, during the period that the appropriate permanent zoning is being studied by the environmental planning commission and the city council.

SEC. 36.26.45. Principal permitted uses.

a. Crop and tree farming.

b. Parking.

SEC. 36.26.50. Conditional uses.

Any use, not requiring the erection of structures, which is determined by the zoning administrator to be appropriate temporary use for the property. All use permits granted pursuant to this chapter shall automatically expire upon the establishment of a

final zoning classification by the city council, unless such use is a permitted use in the zoning district in which the property is classified, and no rights shall vest in any person pursuant to any use permit granted hereunder, beyond the period of the interim zone classification.

SEC. 36.26.55. Building regulations.

No structure shall be erected upon any property having an interim zone (U) classification.

SEC. 36.26.60. Annexation process.

All territory hereafter annexed to the City of Mountain View shall be zoned to an interim zone (U). Following said annexation, said territory shall be studied by the environmental planning commission for the purpose of making a recommendation to the city council of the appropriate permanent zoning of said territory. Said interim zoning classification (U) shall be of no further force and effect six (6) months from the date the territory is annexed; provided, however, that after notice and public hearing, the city council may extend such interim zone classification for an additional six (6) months, if either the environmental planning commission or the city council has, in good faith, conducted studies or public hearings for the purpose of determining the appropriate final zoning, and additional time is required for said study.

DIVISION 5. OVERLAY ZONES.

SEC. 36.26.65. Overlay zones.

SEC. 36.26.70. Purpose and applicability.

The overlay zoning districts established by this chapter provide guidance for development and new land uses in addition to the standards and regulations of the zoning districts, where important site, neighborhood, or area characteristics require particular attention in project planning. The applicability of any overlay zoning district to specific parcels is shown by the overlay zoning map symbol established by Sec. 36.04 (Zoning districts established) being appended as a suffix to the symbol for the primary zoning district (e.g., R1-H1S, R1-SD, etc.).

SEC. 36.26.75. Height limitation (-H) overlay zone.

a. **Purpose.** The height limitation (-H) overlay zoning district is intended to establish height limits for structures that are different from those normally applied by the primary zoning district applicable to a site, where determined to be desirable because of specific neighborhood characteristics.

b. **Minimum area requirements.** The area must be definable as a geographic unit, including but not limited to, one (1) or more entire city blocks or one (1) or more entire subdivision tracts or street faces opposite one another.

c. **Height limitations.** When combined with any residential (R) zoning district, the height limit for structures established by the -H overlay shall be measured either in stories or feet.

1. **Height limit in stories.** The maximum number of allowed stories shall be shown on the zoning map by a number and the letter "S" following the -H designation, as follows:

-H1S	One-story limit
-H2S	Two-story limit, etc.

2. **Height limit in feet.** Where the -H overlay zoning district is used to limit the maximum height of structures to a specific number of feet, the maximum height shall be shown on the zoning map by the number of allowed feet following the -H designation, as follows:

-H15	15-foot height limit
-H25	25-foot height limit, etc.

SEC. 36.26.80. Neighborhood design (-ND) overlay zone.

a. **Purpose.** The neighborhood design (-ND) overlay zoning district is intended to identify areas where unique characteristics of individual neighborhoods are to be protected and/or enhanced through special design standards applicable to those areas only.

b. **Minimum area requirements.** The area must be definable as a geographic unit including, but not limited to, one (1) or more entire city blocks or one (1) or more entire subdivision tracts or street faces opposite one another.

c. **Application of overlay zone.** The -ND overlay will be applied to areas where residents have worked with the city to identify one (1) or more important characteristic(s) to be protected or enhanced, and to prepare special standards to carry out protection and enhancement objectives. Any special standards may be prepared to supplement, or to allow departure from the other provisions of this chapter.

d. **Requirements.**

1. **Special design standards.** In any case where one (1) or more special design standards have been adopted by the city council through the application of the -ND overlay zone, those special design standards shall apply to development and new land uses in the neighborhood in addition to all other applicable provisions of this chapter. If a new house is proposed, and the -ND zone regulates more than one (1) special design standard, property owners need not comply with all of the standards, but shall comply with at least half of them. If a house is proposed to be remodeled, the special design standards shall apply only to the remodeled portion of the house and then only if that portion of the house is subject to special design standards. In the event of any conflicts between special standards imposed by the -ND overlay and other provisions of this chapter, the special standards shall control.

2. **Development review required.** All development within an -ND overlay zoning district shall be subject to development review in compliance with Sec. 36.44.45 (Development Review).

SEC. 36.26.85. Special design (-SD) combining district.

a. **Purpose.** The purpose of this special design combining district is to allow for the use of conventional underlying zoning designations as a clear indication of fundamental land use policy, while signaling the need for special development considerations to deal with specified design objectives or environmental factors. This combining district may be used to require or allow departure from the property development standards set forth in the basic zoning district provisions of this chapter and to require or allow in lieu thereof, the application of special developmental criteria for those lots, parcels and areas that may require special attention or be disadvantaged by having one or more of the following characteristics:

1. Located adjacent to a freeway, highway or other noise generator such that noise levels on the lot exceed or are likely to exceed commonly accepted noise levels for the use(s) permitted in the zone.

2. Located adjacent to a major vehicular roadway, industrial activity or other generator of air pollution such that air pollution on the lot exceeds or is likely to exceed commonly accepted air pollution levels for the use(s) permitted in the zone.

3. Located upon or near any other environmental hazard that may be hazardous to people who would use the land in the commonly accepted manner for uses permitted by the applicable zone.

4. Of such size, shape, location, ownership pattern or topography that the property development standards of the zone, if applied, would create substandard development.

5. Located adjacent to a use or other zoning district so that the property development standards of the zone, if applied, would create a substandard development on the subject property or adversely impact adjacent properties.

6. Is characterized by features, or relates to public facilities, existing or planned, or to the surrounding neighborhood in such a way that special design criteria are needed to ensure that development thereupon will not be detrimental to the neighborhood or conversely that development thereupon has properly considered and responded to the surroundings.

b. **Description.** The combining district provided by these sections shall be known as the special design or -SD combining district. It may be combined with any other zoning district designation provided for in this chapter in accordance with the procedures set forth in Sec. 36.52.35 (Zoning Amendments) of this chapter.

c. **Findings.** In addition to the procedures set forth in Sec. 36.52.35 (Zoning Amendments) of this chapter, both the environmental planning commission and the city council shall, as part of their final action in imposing said special design combining district, find that one (1) or more of the characteristics set forth in Sec. 36.26.85 apply to the lot or area being considered for the special design combining district designation and shall so find and specify what these characteristics are.

d. **Uses permitted.** The principal, accessory and permitted uses of the underlying zoning district shall apply to all lots or areas on which the special design (SD) combining district is imposed except that uses which pose a particular hazard or environmental problem to adjoining properties may be limited.

e. **Development criteria.** In lieu of, or in addition to, the property development standards set forth for the underlying zoning district, specific development criteria may be applied to lots or areas upon which the special design (SD) combining district is imposed and shall be considered by the zoning administrator in considering specific designs to ensure they satisfy the requirements of the special design combining district. The following criteria may be set forth in a set of development guidelines adopted along with the ordinance:

1. Special setbacks, yards and distances between buildings and property lines.

2. Special sound or pollution barriers in the form of walls, berms and similar structural devices to reduce noise or air pollution.

3. Orientation of windows and other openings in buildings away from environmental hazards.

4. Special landscaping to shield or buffer from environmental hazards.

5. Special site planning and juxtapositioning of buildings and other elements of the site to assure protection from environmental hazards.

6. Such other physical requirements or land use limits as will constitute protection from any specific hazard or hazards set forth by the city council.

7. Special design considerations deemed appropriate to ensure suitable quality development or development which will complement the neighborhood or address special constraints and/or needs of the area, including, but not limited to: heights, coverage, tree retention, driveways, parking layout, building design or other design-related aspects.

f. **Permit required.** A special design permit shall be required prior to the development of any use within an SD combining district, other than crop and tree farming. Said permit shall set forth with particularity the nature of each use to be permitted and shall define the location and extent of each such permitted use by reference to maps or drawings attached to said permit. The application for such permit may be considered concurrently with, or subsequent to, the consideration of SD combining district zoning.

SEC. 36.26.90. Transit (-T) district.

a. **Purpose.** The transit floating district or T zone is intended to permit future growth and redevelopment in industrial/office areas served by transit and in need of rejuvenation and to implement land use, circulation and urban design policies which encourage rail, bicycle and pedestrian travel in these areas.

b. **Application of transit district.** The T zone may be applied to properties with industrial and commercial zoning located within two thousand (2,000) feet of a rail transit station and which meet the application criteria of Sec. 36.26.90.b.2. The T zone may be applied to parcels or project sites with minimum gross area of five (5) acres or to parcels or project sites with minimum gross area of three (3) acres that share a property boundary with a rail transit station. Several parcels may be combined to form a single

project site if they have an integrated site and architectural design and function and/or are proposed and approved as a single development.

1. **Application process.** An application for rezoning to the T zone shall be filed with the community development department and approved by the city council.

2. **Application criteria.** The following criteria shall be considered in granting approval for application of the T zone:

(a) Distance from the property boundary to the rail transit facility; however, a property within the two thousand (2,000) foot maximum distance may be inappropriate for application of the T zone if intervening physical barriers and/or traffic/pedestrian features make access undesirable or infeasible.

(b) The ability of the property or project to facilitate use of transit through development that is oriented toward the transit facility or provides access to other facilities needed for transit use.

(c) The degree to which the site or its use can contribute uses or facilities that reduce the dependence on automobiles on-site and for surrounding uses.

c. **Floor area ratio.** Properties where the T zone designation is applied are eligible to apply for a higher floor area ratio; however, they shall incorporate transit-related facilities and comply with development standards intended to increase transit ridership. The T zone shall always be applied in combination with the underlying zoning district. The floor area ratio, after any approved increase, shall not exceed 0.50. After any approved increase, the floor area ratio shall not exceed 0.50 unless the project site shares a property boundary with a public rail transit station, in which case the floor area ratio shall not exceed 0.65.

d. **Allowable land uses.** Uses permitted by the underlying zoning are permitted, with the exception of wholesale businesses, warehouses, storage, warehouse retail stores and similar businesses with low employment ratios.

e. **Permit required (TOD).** Proposed development that exceeds the floor area ratio of the basic zoning shall be required to obtain a transit-oriented development (TOD) permit subject to city council approval, following review and a report by the zoning administrator. At the time of the rezoning to the T zone, the city council may delegate approval authority over the TOD permit to the zoning administrator if council determines that the site is well-oriented toward transit and will be subject to development which is consistent with the purposes of the T zone as set forth in this Sec. 36.26.90.

f. **Development criteria.** In addition to the property development standards set forth for the underlying zone, the following development criteria will be required by the zoning administrator in considering applications for transit-oriented development permits. These criteria include but are not limited to the following:

1. Buildings and site plans shall incorporate ground-level design elements that attract pedestrians and bicyclists and reinforce pedestrian activity. These elements include placement of parking spaces at the side or rear of buildings, orienting at least one major building to the most direct pedestrian route from the transit station and providing sidewalks and pedestrian paths (separated from cars) between public sidewalks and building entrances.

2. Building and site plans shall include ride-share drop-off and waiting areas, preferential parking for carpools and vanpools, bicycle parking, showers and other features designed to encourage the use of alternatives to the auto.

3. A proportional share of off-site improvements to facilitate pedestrian circulation in the vicinity of the transit station, in accordance with a bicycle/pedestrian plan, shall be funded and constructed as necessary to ensure direct, safe and convenient pedestrian access to the transit station and thereby help offset the potential traffic impacts of the greater floor area.

4. The project may be required to contribute to improvements planned as part of the Tasman Light Rail line through the payment of a fee or participation in an assessment district to offset the local city contribution to that project. The applicant may apply for a reduction of this contribution in proportion to the value of physical improvements made by the developer that qualify as local contribution to the Tasman Light Rail line.

5. Building tenants shall participate in a commute shuttle program and/or transit pass system (if available) until the transit station is in service.

6. In addition to the mandatory requirements set forth in subsections (a) through (e) above, the project must contain other features that encourage or support transit use and reduce reliance on the auto. The zoning administrator will consider which transit-supportive uses, facilities, services and design will be required, such as:

(a) **Reduced parking spaces.** A lower number of parking spaces than would otherwise be required, up to a maximum of a twenty (20) percent reduction in required parking spaces. The project applicant shall demonstrate how the required parking could be provided if it is determined that the spaces are needed in the

future. The area subject to the deferral of installation of parking spaces must be utilized for landscaping or other aesthetic amenities not otherwise required by this chapter.

(b) **On-site food service.** For larger developments, the food service should be a cafeteria, restaurant or delicatessen which services its own employees or a larger area.

(c) **Special on-site employee services and facilities.** These can include exercise rooms, automated teller machines, postal facilities and personal services such as dry cleaners and hair salons and other services that employees would normally leave the site to use.

(d) **Additional facilities.** A proportional share of transit-supportive uses and facilities funded by the project owner, which are in addition to those required by subsections 1, 2, 3, 4 and 5. These may include construction or financing of walkways, pathway lighting, waiting facilities, parking for transit patrons and other facilities in the transit system.

(e) **Commuter programs.** Participation in a commute or midday shuttle/transit pass program providing service between the development site and transit stations or between the development site and a major commercial center where restaurants and other services are available.

(f) **Transportation management organization.** Initiation and/or participation in a transportation management association.

ARTICLE XIV. STANDARDS FOR SPECIFIC LAND USES.

DIVISION 1. GENERAL.

SEC. 36.28. Purpose and applicability.

a. **Purpose.** This section provides site planning and development standards for specific land uses that are allowed within the city.

b. **Applicability.** Land uses covered by this section shall conform with the provisions of the section(s) applicable to the specific use, in addition to other applicable provisions of this chapter including the standards of the zone district where the use is located.

DIVISION 2. ACCESSORY RETAIL USES.

SEC. 36.28.05. Accessory retail uses.

Retail sales and services, including, but not limited to, restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use as follows:

a. **General standard.** Accessory retail uses are permitted, provided there is no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining streets), and all access to for the accessory retail use is from within the structure.

b. **Commercial and industrial zoning districts.** Restaurants and retail sales are permitted in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities; pharmacies are permitted accessory to hospitals and other medical facilities. Accessory restaurants, retail sales and other services are permitted in the industrial zoning districts to serve the needs of employees.

c. **Residential and special-purpose zoning districts.** Membership organizations, social or recreational establishments may engage in retail sales for guests only.

d. **Development review approval required.** All accessory retail uses shall require development review as provided in Sec. 36.44.45 (Development Review). In order to approve an accessory retail use, the approval body shall first find that there will be no harm to adjacent existing or potential residential development due to excessive traffic, noise, or other adverse effects generated by the accessory use.

DIVISION 3. ADULT ENTERTAINMENT ESTABLISHMENTS.

SEC. 36.28.10. Adult entertainment establishments.

Where allowed in the CRA zoning district or P districts, any bookstore, hotel or motel, motion picture arcade or theater, cabaret, model studio, video rental store or other business or establishment that is operated as an adult business as defined by Sec. 36.60.05 of this chapter and City Code Sec. 26.52 shall be subject to the provisions of this section.

a. **Purpose.** The purpose of this section is to provide reasonable regulations to prevent the adverse effects of the concentration or clustering of adult entertainment establishments. Multiple studies throughout the nation have demonstrated that these uses have serious objectionable characteristics when several are located in close proximity to each other, and tend to create a "skid row" atmosphere, resulting in a

detrimental effect upon the adjacent area. Regulation of the locations of these uses is necessary to ensure that their adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the development and operation of other businesses that are needed and desirable in the city.

b. **Applicability.** The provisions of this section apply to uses operated as adult entertainment establishments in addition to all other applicable requirements of this chapter.

c. **Location requirements.** Adult entertainment establishments shall be located no closer than:

1. Four hundred (400) feet to any property in a residential zoning districts, any precise plan designated for residential use, child day-care facility, school attended by minor children, park, playground, public building or other public facility likely to be used by minors; and

2. One thousand (1,000) feet to any other adult entertainment establishment.

DIVISION 4. CEMETERIES, COLUMBARIUMS, MORTUARIES.

SEC. 36.28.15. Cemeteries, columbariums, mortuaries.

A cemetery, columbarium, mausoleum, crematorium and/or mortuary shall be planned and designed as follows:

a. **Access.** An entrance to the facility shall be provided on a arterial or collector street with ingress and egress designed to minimize traffic congestion.

b. **Screening required.** When located within or adjacent to any residential zoning district, these facilities should be screened on the side and rear property lines by: a wall or fence six (6) feet in height; a six (6) foot high, three (3) foot thick evergreen hedge; or a twenty (20) foot wide, permanently maintained planting strip.

DIVISION 5. CHILD DAY-CARE FACILITIES.

SEC. 36.28.20. Child day-care facilities.

This section establishes standards for city review of child day-care facilities, in conformance with state law, including the limitations on the city's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this chapter and any requirements imposed by the California Department of Social

Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

a. **Small family day-care homes.** Permitted within any single-family residence located in a residential zone.

b. **Large family day-care homes.** This use is allowed within any single-family residence located in a residential zone subject to the following requirements:

1. **Permit requirement, public notice.** A large family day-care home shall require the approval of a nondiscretionary conditional use permit by the zoning administrator except for facilities operated in a single-family residential zone that comply with the standards in subsection D which shall be allowed as a permitted use. Instead of the public notice required by Sec. 36.48 (Conditional Use Permit), all property owners within one hundred (100) feet of the proposed site shall be provided notice of the application at least ten (10) days prior to the date of the zoning administrator's decision on the permit. No public hearing shall be held unless requested in writing by the applicant or other affected person.

2. **Criteria for approval.** A conditional use permit shall be issued if the zoning administrator determines that the proposed large family day-care home will comply with the standards in subsection d.

c. **Child day-care centers.** Allowed in the zoning districts determined by Sec. 36.10.05 (Residential Zones), 36.18.05 (Commercial Zones), 36.20.05 (Industrial Zones), 36.22, 36.24, 36.24.35, 36.26, and 36.26.35 (Special Purpose Zones), subject to conditional use permit approval (Sec. 36.48), and the standards in following subsection d.

d. **Standards for child-care facilities.** Large family day-care homes and child day-care centers are subject to the following standards:

1. **Spacing/concentration.** No residential property shall be bordered on more than one (1) side by a child day-care facility.

2. **Traffic control.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day-care home may serve as its drop-off area. Adequate drop-off and pick-up areas shall be provided so that traffic does not back up onto public roadways or does not create circulation problems in parking lots.

3. **Adjacent uses.** The proposed site shall not be located adjacent to a business that uses, sells or stores significant amounts of hazardous materials or creates high noise levels or fumes.

4. **Outdoor play areas.** Outdoor play areas shall be set back from adjoining residential dwellings and enclosed with a minimum six (6) foot fence. A six (6) foot wood or masonry fence is required along the boundaries with residential uses.

5. **Development review approval.** Development review approval shall be required as provided in City Code Sec. 36.44.45.

DIVISION 6. DISH ANTENNAS GREATER THAN ONE (1) METER.

SEC. 36.28.25. Dish antennas greater than one (1) meter.

No exterior dish antenna having a dimension greater than one (1) meter (39.4 inches) shall be allowed in any R1 or R2 district unless it complies with the following requirements:

a. Location on any roof is prohibited.

b. Location in any street setback is prohibited.

c. Location in any yard adjacent to a street is prohibited unless the antenna is not visible from the street.

d. The maximum height to the highest point of the antenna is fifteen (15) feet.

e. Any such antenna which is higher than adjacent property line fences must be located away from the side or rear property line at a distance equal to or greater than the height which the antenna is above the adjacent fence.

DIVISION 7. DRIVE-IN AND DRIVE-THROUGH SALES AND SERVICES.

SEC. 36.28.30. Drive-in and drive-through sales and services.

Any retail trade or service use providing drive-in/drive-through sales or services requires approval of a conditional use permit. Drive-through facilities shall comply with the property development standards of the underlying district and with this section.

a. **Pedestrian requirements.** Pedestrian walkways should not intersect the drive-thru aisles, but where they do, they shall have clear visibility, and they must be clearly marked with paving or striping.

b. **Stacking.** Drive-through aisles at restaurants shall provide sufficient stacking area to accommodate a minimum of six (6) cars unless additional stacking area is required by the zoning administrator.

c. **Equipment screening.** All service areas, rest rooms and ground-mounted and roof-mounted mechanical equipment shall be screened from view.

d. **Landscaping.** Landscaping shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board and directional signs.

e. **Noise.** Any drive-up or drive-through speaker system shall not be audible above the ambient noise levels beyond the property boundaries.

f. **Permitted products.** The sale of alcoholic beverages is not allowed.

DIVISION 8. EXTREMELY HAZARDOUS MATERIALS AND HIGHLY SENSITIVE USES.

SEC. 36.28.35. Extremely hazardous materials, and highly sensitive uses.

a. **Purpose.** This section is intended to maintain adequate buffers between highly sensitive uses and users of extremely hazardous materials.

b. **Location criteria.** New highly sensitive uses and new facilities with extremely hazardous materials shall be subject to the following standards:

1. No new highly sensitive uses, as defined in Sec. 36.60.19, shall be permitted to locate within one thousand (1,000) feet of any facility that stores or handles extremely hazardous materials as defined by Sec. 36.60.13.

2. No new use of extremely hazardous materials as defined by Sec. 36.60.13 shall be permitted to be located within one thousand (1,000) feet of a highly sensitive use as defined in Sec. 36.60.13.

3. The one thousand (1,000) foot buffer shall be measured from the property line of sites unless otherwise approved by conditional use permit.

4. With approval of a use permit, measurement may be taken from the location of the sensitive use or extremely hazardous materials use with the finding that there are unique circumstances of the site, such as large size or location.

5. A minimum distance of one thousand (1,000) feet shall be maintained between buildings in which the uses are located and/or outdoor uses, such as playgrounds, and outdoor storage tanks for extremely hazardous materials.

c. **Grandfather clause.** Existing highly sensitive uses or facilities using extremely hazardous materials that do not comply with the one thousand (1,000) foot distance requirement shall be "grandfathered" and shall be allowed to continue at the existing location.

1. Grandfathered facilities may be expanded or intensified if it can be demonstrated through risk assessment to the satisfaction of the city's fire and environmental protection division that the proposed expansion or intensification will not result in health and safety risks to the highly sensitive population(s).

2. The risk assessment and implementation of safety measures and improvements to reduce the risk to existing levels shall be approved by the city's fire and environmental protection division prior to any expansion or intensification.

d. **Applicability.** The provisions of this section shall not apply to El Camino Hospital and surrounding sensitive uses within a one thousand (1,000) foot radius.

DIVISION 9. EFFICIENCY STUDIOS.

SEC. 36.28.40. Efficiency studios.

SEC. 36.28.45. Purpose.

The following provisions establish locational, construction, and operational standards for the development of efficiency studios.

SEC. 36.28.50. Applicability.

Efficiency studios require the approval of a conditional use permit in the CRA zoning district and a planned community permit in precise plans that specifically list efficiency studios as a permitted or provisional use, and shall comply with the following standards.

a. **Parking requirements:**

1. **General requirements.** Efficiency studios shall provide off-street parking in compliance with Sec. 36.32.50 (Required Parking Spaces), and Sec. 36.32.80 (Development Standards for Off-Street Parking).

2. **Reduction of parking requirements.** A reduction of up to .50 space per dwelling unit may be granted by the zoning administrator, in compliance with Sec. 36.48 (Conditional Use Permits) for efficiency studios that are located in close proximity to a public transit stop, serve a substantial number of low- and very low-income persons or seniors and have a management plan which ensures continuing compliance with city codes, parking space availability and the low- and very low-income tenancy requirements of this section and Sec. 36.14 (Density Bonuses).

b. **Overall project design and layout:**

1. **Appearance.** The design of an efficiency studios project should coordinate with and complement the existing architectural style and standards of the surrounding land uses. If a design theme has been established in the proposed area, the theme should be reflected in the design and scale of the efficiency studios project;

2. **Laundry facilities.** Common laundry facilities shall be provided with one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof;

3. **Common space.** At least four (4) square feet of common interior space, excluding entryways, circulation space, common bathrooms, common kitchens, hallways, janitorial storage and laundry rooms, shall be provided for each unit with a minimum of two hundred (200) square feet of interior common space for each efficiency studios living facility;

4. **Access.** Ingress and egress shall be limited to a single entry point for tenants that is staffed twenty-four (24) hours per day;

5. **Fire protection.** Efficiency studios living facilities of any size shall be required to have fully automatic fire sprinkler systems with a central monitoring system, alarm and fire annunciator in compliance with fire department standards. A manual fire alarm system shall also be installed and maintained;

6. **Defensible space design.** Consideration should be given to utilizing defensible space concepts (e.g., visibility, lighting, landscaping, fencing location, etc.) in the location, design and construction of efficiency studios.

c. **Design requirements for individual units.** Efficiency studio dwelling units shall comply with the following requirements:

1. **Minimum facilities.** Each efficiency studio unit shall be provided with the following minimum facilities:

(a) Partial kitchen with a kitchen sink and garbage disposal, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front, and having light and ventilation in compliance with the Uniform Building Code;

(b) Counter top measuring a minimum twelve (12) inches deep and twenty-four (24) inches wide;

(c) Prewired for telephone and cable television;

(d) A separate bathroom that includes at least a commode and shower or tub; and

(e) A closet and storage space, as approved by the zoning administrator, for each unit.

2. **Floor area.** An efficiency studio dwelling unit shall be a minimum of one hundred fifty (150) square feet in floor area. The average unit size shall be no greater than three hundred twenty-five (325) square feet and no individual unit, excluding the manager's unit, may exceed four hundred (400) square feet. The manager's unit shall not be included in calculating the average size of units;

3. **Occupancy.** Each efficiency studio dwelling unit shall be designed to accommodate a maximum of two (2) persons; and

4. **Entries.** Individual efficiency studio dwelling units shall not have separate external entryways.

d. **Management plan.** The efficiency studio living facility shall have a management plan which shall be approved annually by the zoning administrator. The management plan shall contain maintenance policies, management policies, operations, parking management plan, rental procedures, security arrangements and staffing plans.

e. **Affordability**. A minimum of twenty (20) percent of the dwelling units shall be occupied and affordable to very low-income tenants. The annual management plan shall demonstrate, to the zoning administrator's satisfaction, that this requirement

has been fulfilled. Efficiency studio living facilities failing to meet this requirement shall be limited to the density limits of principally permitted uses.

f. **On-site manager.** A manager is required to live on-site in every efficiency studio development.

g. **Annual inspection.** Each efficiency studio living facility shall be inspected at least annually for compliance with the approved conditions of approval and all applicable city codes.

SEC. 36.28.55. Special incentives for efficiency studio living facilities.

The city council, having found that it is in the public interest to encourage efficiency studio living facilities, wishes, in appropriate cases, to provide special incentives for efficiency studio facilities in compliance with the following:

a. **Fee waiver.** Upon receipt of an application from the developer of an efficiency studio facility, the council shall have discretion to waive or reduce city fees applicable to the project, including the fee imposed in lieu of park land dedication in compliance with Chapter 41, the city's transient occupancy tax, as outlined in Chapter 33 and other development fees. In determining whether to waive or reduce city fees and/or the transient occupancy tax for the project, the council shall consider the following:

1. The extent to which the proposed efficiency studio facility will increase the supply of affordable housing in the community;

2. The need for a fee waiver/reduction in order to make it economically feasible for the developer to make the efficiency studio units available as affordable housing;

3. The extent to which the proposed efficiency studio facility will meet the city's land use objectives, as expressed in the general plan, applicable precise plans, and this chapter; and

4. The fiscal effect of the fee waiver/reduction on the city.

b. **Procedure for fee waiver.** The procedure for obtaining a waiver/reduction of fees for an efficiency studio facility shall be as follows:

1. The developer shall submit an application for a waiver/reduction of fees or the transient occupancy tax to the department at the time of filing an application for a conditional use permit for the efficiency studio living facility;

2. Upon approval of a conditional use permit for an efficiency studio living facility, the zoning administrator shall forward the application for a fee waiver/reduction, along with a brief description of the project to the city clerk. The city clerk shall set the matter for a public hearing before the council within forty-five (45) days after approval of the conditional use permit and shall send a notice of the public hearing in compliance with Sec. 36.56 (Applications, Hearings and Appeals); and

3. The city council shall conduct a public hearing on the application and shall approve or disapprove the request for a waiver/reduction as specified in subsection 36.28.55.a above. The decision of the city council on the fee waiver/reduction shall be final.

DIVISION 10. EMERGENCY SHELTERS.

SEC. 36.28.60. Emergency shelters.

SEC. 36.28.65. Purpose.

The following provisions establish standards for the city review of emergency shelters, in conformance with state law.

SEC. 36.28.70. Applicability.

Emergency shelters shall be permitted in accordance with the land use regulations of the general industrial (MM) district and shall comply with the following standards:

a. **Property development standards.** The shelter shall conform to all property development standards of the zoning district.

b. **Management.** The shelter shall have 24-hour, professional on-site management.

c. **Security.** The shelter shall have on-site security and/or security cameras.

d. **Lighting.** The shelter shall have adequate outdoor lighting for security purposes.

e. **Length of stay.** The shelter shall be available to residents for thirty (30) days. Extensions up to a total of one hundred eighty (180) days may be provided by the on-site manager if no alternative housing is available.

f. **Maximum number of persons/bed.** The shelter shall contain a maximum number of seventy-eight (78) beds and shall serve no more than seventy-eight (78) homeless persons.

g. **Waiting and intake areas.** The shelter shall have a private area to receive clients.

h. **On-site parking.** The shelter shall provide for thirty-five-hundredths (0.35) parking space per individual bed plus one (1) additional space per employee.

i. **Common facilities.** The shelter may provide one (1) or more of the following specific facilities for the exclusive use of the residents and staff:

1. Central cooking and dining room.

2. Recreation room.

3. Counseling center.

4. Child-care facilities.

5. Laundry facilities.

6. Other support services.

DIVISION 11. HOME OCCUPATIONS.

SEC.36.28.75. Home occupations.

SEC. 36.28.80. Purpose and application.

Purpose. The following provisions allow for home occupations that are secondary to, and compatible with surrounding residential uses.

Application. Business licenses are required for home occupations, which are permitted as accessory uses in all residential zoning districts. A statement of compliance with the following operating standards shall be signed prior to issuance of the business license.

SEC. 36.28.85. Operating standards.

Home occupations, including cottage food operations (unless expressly exempt otherwise), shall comply with all of the following operating standards:

a. The home occupation is clearly secondary to the full-time use of the structure as a residence;

b. The use does not require a modification not customarily found in a dwelling, nor shall the use be visible from the street or from neighboring properties;

c. There is no window display, advertising sign or other identification of the home occupation on the premises;

d. The home occupation, excluding cottage food operations, shall be confined completely to one (1) room within the dwelling, or to the garage, or other accessory structure. Cottage food operations are limited to the registered or permitted area by the County of Santa Clara Department of Environmental Health. No use may eliminate any required parking;

e. Only one (1) vehicle with a capacity no greater than three-quarter (3/4) ton may be used by the occupant directly or indirectly in connection with a home occupation;

f. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive or hazardous materials unless specifically approved by the fire department, in compliance with Chapter 24 of the City Code;

g. Excluding cottage food operations, no use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances. Cottage food operations shall not create noise beyond the property line and may only create odors, fumes, smoke or secondary effects consistent with the registered or permitted operation; and

h. The home occupation shall not generate more than five (5) additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is located, and nor more than two (2) deliveries per day.

SEC. 36.28.90. Prohibited home occupation uses.

The following uses are found to be not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

a. Adult entertainment establishments;

b. Dance or night clubs;

c. Medical services (not including chiropractors and counselors/psychotherapists);

d. Mini storage;

e. Storage of equipment, materials, and other accessories for the construction and service trades;

f. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;

g. Welding and machining;

h. On-site dining for cottage food operations; and

i. Any other use determined by the zoning administrator not to be incidental to or compatible with residential activities.

DIVISION 12. OUTDOOR MERCHANDISE DISPLAY AND ACTIVITIES.

SEC. 36.28.95. Outdoor merchandise display and activities.

Permanent outdoor sales and rental establishments, including those dealing with autos, other vehicles and equipment; service stations; and other uses where the business is not conducted entirely within a structure, shall comply with the following standards. Temporary outdoor sales are subject to Sec. 36.46 (Temporary Use Permits).

a. **Outdoor merchandise display.** The outdoor display of merchandise shall comply with the following standards:

1. **Screening required.** Except for automobile sales, an outdoor sales/activity area shall be screened from adjacent streets by decorative solid walls, fences, or landscaped berms, a minimum of thirty-six (36) inches high, in a ten (10) foot landscaped area adjacent to the street property line;

2. **Location of merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic; and

3. **Signs.** Generally, there shall be no signs in addition to that allowed by Article XII (Signs) that is visible from the street. Pricing signs shall be no larger than necessary to be read by on-site shoppers.

b. **Outdoor storage areas.** Where permitted by the underlying zoning district, all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six (6) feet in height.

c. **Development review approval required.** Any use proposing outdoor merchandise display or other outdoor business activities shall require a development review permit in compliance with Sec. 36.44.45 (Development Review).

DIVISION 13. RECYCLING FACILITIES.

SEC. 36.30. Recycling facilities.

SEC. 36.30.05. Purpose.

The following provisions establish standards and procedures for the sitting and operation of various types and sizes of commercial recycling facilities.

SEC. 36.30.10. Applicability.

Any recycling facility intending to operate in the city shall comply with all of the following provisions:

a. **Permit requirements.** Recycling facilities are subject to permit review in all commercial and industrial zoning districts according to the following schedule:

Table 36.30-1

Type of facility	Districts permitted	Permit required
Reverse vending machine(s)	All Commercial All Industrial	Conditional Use Permit
Small collection	All Commercial All Industrial	Conditional Use Permit
Large collection	All Industrial	Conditional Use Permit

b. **Development and operating standards.** All recycling facilities shall comply with the following specific standards:

1. **Reverse vending machines and small collection.** Reverse vending machine(s) located within a commercial or industrial location shall not require additional parking spaces for recycling customers, and may be permitted in all commercial and industrial zoning districts, subject to a conditional use permit and compliance with the following standards:

(a) Shall be installed as an accessory use in full compliance with all applicable provisions of this chapter and the City Code;

(b) Shall not occupy parking spaces required by the primary use, and shall be constructed of durable waterproof and rustproof material;

(c) Reverse vending machines shall occupy no more than fifty (50) square feet for each installation, including any protective enclosure, and shall be no more than eight (8) feet in height;

(d) Small collection facilities shall be no larger than three hundred fifty (350) square feet;

(e) Shall have operating hours which are consistent with the operating hours of the primary use;

(f) Shall not obstruct pedestrian or vehicular circulation;

(g) Shall not be located within fifty (50) feet of any parcel zoned or planned for residential use, nor shall it exceed noise standards as established in the general plan's noise acceptability guidelines.

(h) Collection containers, site fencing and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood; and

(i) Shall be subject to landscaping and/or screening as determined through development review.

2. **Large collection facilities.** A large collection facility which is larger than three hundred fifty (350) square feet, or on a separate parcel not accessory to a "primary" use, which has a permanent structure is allowed in industrial zoning districts, subject to a conditional use permit, and the following standards:

(a) The facility does not abut a parcel zoned or planned for residential use;

(b) The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls or screen planting;

(c) Structure setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;

(d) All exterior storage of material should be in sturdy containers which are secured and maintained in good condition at all times. No storage, excluding truck trailers, shall be visible above the height of the wall;

(e) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;

(f) Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least one hundred (100) feet from any residential zoning district, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials; and

(g) No dust, fumes, odor, smoke or vibration above ambient levels shall be detectable from adjacent parcels.

DIVISION 14. SERVICE STATIONS—RETAIL SALES.

SEC. 36.30.15. Service stations—Retail sales.

The retail sales of food and beverage products and other general merchandise in conjunction with a gasoline service station is allowed subject to conditional use permit approval in compliance with Sec. 36.48 and the following standards:

a. **Permitted products.** Retail sales of nonautomotive products shall be limited to items for the convenience of travelers, including film, personal care products, packaged food items and beverages that may be legally consumed within a vehicle. The sale of alcoholic beverages is not allowed.

b. **Signs.** No exterior signs are allowed to advertise specific items for sale.

c. **Parking.** On-site parking shall comply with the requirements of Article X (Parking and Loading) and shall include sufficient spaces for all employees on a single shift.

d. **Rest rooms.** Rest rooms shall be provided and available to customers.

e. **Facility upgrading.** Applications involving existing stations shall include proposed measures to upgrade the facility.

DIVISION 15. SIGNIFICANT TOBACCO RETAILERS.

SEC. 36.30.20. Significant tobacco retailers.

a. **Location requirements.** Significant tobacco retailers shall only be allowed in the CRA zone and shall require approval of a conditional use permit.

b. **Operating standards.** In addition to any conditions of approval imposed by the zoning administrator in accordance with Sec. 36.48 (Conditional Use Permit) every significant tobacco retailer permitted under this section shall comply with Chapter 21 of the City Code and with the following:

1. **Access to merchandise.** Tobacco products shall be secured so that only store employees have immediate access to the tobacco products and/or tobacco paraphernalia. Self-service displays are prohibited.

2. **Advertising and display of tobacco products.** Significant tobacco retailers shall comply with local, state and/or federal laws regarding sales, advertising or display of tobacco products, including, posting a sign prominently near the cash

register or other point of sale, the legal age to buy tobacco products and checking the identification of all purchasers to ensure they are of legal age.

3. **Selling or exchange of tobacco products.** No minor person may sell or exchange tobacco products.

4. **Sales to minors.** Sampling of tobacco products by minors shall not be permitted and, therefore, tobacco products shall not be given or sold to minors.

5. **Location requirements.** If the proposed location is within one thousand (1,000) feet of a parcel occupied by a public or private kindergarten, elementary, middle, junior high or high school; licensed child-care facility or preschool other than a family day-care facility; public playground; youth center or public recreational facility, the zoning administrator shall consider the compatibility of the proposed use and said use(s) and determine whether:

(a) The proposed use can be approved as proposed; or

(b) Conditions can be imposed to mitigate any adverse impacts; or

(c) The proposed use should be considered for another locations.

This determination shall be accompanied by a finding that there are other suitable locations for the proposed use and that said locations will not have the same or greater adverse impacts than the proposed location.

6. **Interpretations.** The community development director may promulgate guidelines and interpretations to implement the provisions of this article, which guidelines and written interpretations shall be incorporated herein by this reference.

DIVISION 16. VEHICLE SALES AND REPAIR OPERATIONS.

SEC. 36.30.25. Vehicle sales and repair operations, parking.

a. The business of vehicle sales, towing or repairs, whether for new vehicles, used vehicles, rentals or leases (collectively "vehicle business(es)"), must be conducted solely on private property without storing or parking any of the vehicles that are in any way connected with the vehicle business on public or private property that is not part of the vehicle business.

b. No person who owns, operates, leases or otherwise has control over a vehicle business shall allow any vehicle that is stored, has been towed or is for sale, lease, rental or under repair as part of that business to be parked on any public street or thoroughfare within five hundred (500) feet of the property comprising the vehicle business.

c. Violation of this section may be punished pursuant to City Code Sec. 1.7. In addition, after written notice delivered by certified mail to the owner or operator of the vehicle business, any vehicle found in violation of this section within six (6) months of said notice may be towed and impounded by the city and retained as evidence in the prosecution of a violation of this section. The owner of the vehicle business shall be liable, in addition to any penalties, for the costs of towing, impounding and storing of the vehicles as well as any liability for the loss of use of the vehicle to the owner or third party.

d. For purposes of this section, vehicle repair shall include dismantling, disassembling, building, remodeling, assembling, repairing, painting, washing, cleaning, servicing or storing of motor vehicles, boats, trailers, airplanes and aircraft.

DIVISION 17. CONDITIONAL USE PERMIT FOR TOBACCO SALES.

SEC. 36.30.30. Conditional use permit for tobacco sales.

Any retailer of tobacco products required to secure a conditional use permit or modify an existing conditional use permit pursuant to City Code Sec. 21.62 shall process the application for the permit pursuant to Sec. 36.48 of this chapter.

DIVISION 18. ANIMAL SERVICE ESTABLISHMENTS.

SEC. 36.30.35. Animal service establishments.

Animal service establishments, as defined in Sec. 36.60.05, shall be allowed in all commercial (CN, CS, CO, CRA) districts and the General Industrial (MM) district and shall require approval of a conditional use permit with consideration of the following:

a. **Noise and odor**. Businesses caring for animals on-site shall limit noise and odor impacts to neighboring properties and businesses.

b. **Shelter and care.** All facilities keeping animals during daytime and/or nighttime shall provide adequate permanent shelter, which is not visible from the public right-of-way, and appropriate care in accordance with Chapter 5 of the City Code.

c. **Operational requirements**. All businesses shall operate in accordance with all local, state and federal laws and meet all requirements of Chapter 5 of the City Code.

DIVISION 19. WAREHOUSE RETAIL STORES.

SEC. 36.30.40. Warehouse retail stores.

Warehouse-type retail stores shall be designed and located in compliance with the following standards:

a. **Building and site design.** Building and site design shall complement surrounding commercial and/or industrial development. Structures shall be comparable to the architectural and design quality expected of new structures in the area, including quality of materials, structure design and orientation, site design, landscaping, and buffering. The structure shall reflect the retail aspect of the use by incorporating storefront features, e.g., facade ornamentation and special detailing which identify the entryway and provide pedestrian-level interest to the facade.

b. **Buffering and screening.** These facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, solid waste containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard from off-site.

c. **Development near residential zoning districts.** When evaluating applications for bulk merchandise stores near residential zoning districts, the zoning administrator shall give particular attention to the potential traffic, noise, visual and other effects of warehouse retail uses on residential uses.

d. **Traffic and parking.**

1. **Parking lot layout.** The zoning administrator shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.

2. **Pedestrian requirements.** Because of high on-site pedestrian and auto activity, the design shall include clearly defined structure entrances, specially designated areas to accommodate customer pickup and pedestrian walks from parking areas to the structure.

3. **Site location.** The use shall be located only on streets determined by the zoning administrator to have adequate traffic capacity.

DIVISION 20. CONDITIONAL USE PERMIT FOR ALCOHOL SALES.

SEC. 36.30.45. Conditional use permit for alcohol sales.

Any retailer of alcohol products required to secure a conditional use permit or modify an existing conditional use permit pursuant to City Code Sec. 21.62 shall process the application for the permit pursuant to Sec. 36.48 of this chapter.

ARTICLE X. PARKING AND LOADING.

DIVISION 1. PURPOSE AND APPLICABILITY.

SEC. 36.32. Purpose.

The purpose of off-street parking and loading standards is to:

a. Provide sufficient parking, loading and delivery facilities to meet the needs generated by the proposed use;

b. Provide accessible, attractive, secure, properly lighted and well-maintained and screened off-street parking and loading facilities;

c. Reduce traffic congestion and hazards;

d. Encourage the use of alternative modes of transportation by providing for safe, adequate and convenient bicycle and carpool parking;

e. Protect neighborhoods by providing adequate parking and landscaped buffers; and

f. Ensure access and maneuverability for emergency vehicles.

SEC. 36.32.05. Applicability.

Every permanent use (including a change of use) and every structure shall have permanently maintained off-street parking areas in compliance with the following provisions.

DIVISION 2. GENERAL PARKING REGULATIONS.

SEC. 36.32.10. Expansion of structure, change in use.

When a structure is enlarged or increased in capacity, or when a change in use creates an increase in the required amount of parking, additional parking spaces shall be provided in compliance with the provisions of this section;

SEC. 36.32.15. Mixed uses/multiple tenants.

A site or facility proposed for multiple tenants or uses (e.g., a hotel with meeting halls, a building with ground-floor shops and second-floor offices, etc.) shall provide the aggregate number of parking spaces required by Sec. 36.32.50 (Required Parking Spaces) for each separate use;

SEC. 36.32.20. Single-family homes.

For each dwelling in any single-family residential zoning district, a garage or carport shall be provided and permanently maintained for parking.

SEC. 36.32.25. Deferral of parking installation.

For nonresidential developments of ten thousand (10,000) square feet or more of gross floor area, the zoning administrator may approve deferral of one (1) or more required off-street parking spaces to a future date. The applicant shall demonstrate, to the satisfaction of the zoning administrator, that the occupant of the subject parcel will not need the required parking spaces and that the area temporarily utilized for landscaping or other aesthetic amenities can, in the future, be used for the required parking spaces. The zoning administrator may impose reasonable conditions, including the recordation of a legal agreement which would provide that the landscaping or other amenity is to be removed by the applicant and the required off-street parking spaces are to be installed if they are needed to serve the use(s) on the subject parcel.

SEC. 36.32.30. Adjacent site access.

Applicants for nonresidential developments should be encouraged to provide cross-access to adjacent nonresidential properties for convenience, safety and efficient circulation of motor vehicles. A mutual access agreement should be executed where cross-access is provided.

SEC. 36.32.35. Rounding of quantities.

Where the number of required parking spaces results in a fraction of 0.50 or higher, the requirements shall be rounded up to the next whole space. Where the number of required spaces results in a fraction less than 0.50, the requirements shall be rounded down to the next whole space.

SEC. 36.32.40. Parking required by precise plans.

Parking requirements established in compliance with Sec. 36.50.60 (Precise Plans) shall supersede the provisions of Sec. 36.32.50 (Required parking spaces).

SEC. 36.32.45. No assignment of parking spaces without approval.

Parking spaces in parking lots shall be available to all users of the premises and shall not be assigned or in any way restricted for use except pursuant to an approval by the city as part of the underlying permit or CC&Rs.

DIVISION 3. NUMBER OF PARKING SPACES REQUIRED.

SEC. 36.32.50. Required number of parking spaces.

Each land use shall provide the minimum number of off-street parking spaces required by this section.

a. **Uses not listed.** Land uses not specifically listed by the following subsection B below shall provide parking as required by the zoning administrator. In determining appropriate off-street parking requirements, the zoning administrator shall use the requirements of subsection B below as a general guide in determining the minimum number of off-street parking spaces necessary to avoid undue interference with public use of streets and alleys.

b. **Parking requirements by land use.** The following minimum number of parking spaces shall be provided for each use:

REQUIRED PARKING BY LAND USE

Land Use Type	Vehicle Spaces Required	Bicycle Spaces Required
Manufacturing and General Industrial		
Manufacturing and industrial, general	1 space for each 250 sq. ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use	5 percent of vehicle spaces
Recycling facilities	Space shall be provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time	None
	One employee parking space shall be provided on-site for each commercial vehicle operated by the processing center	5 percent of vehicle spaces
Recreation, Education, Public Assembly Uses		
Child day care		
Centers	1 space for each employee, plus 1 space for every 15 children for visitor parking and drop-off areas	2 percent of vehicle spaces
Large family care homes	1 space for each employee	
Churches, mortuaries	1 space for each 170 sq. ft. of gross floor area	5 percent of vehicle spaces for churches; 2 spaces for mortuaries
Indoor recreation and fitness centers		
Arcades	1 space for each 200 sq. ft. of gross floor area	5 percent of vehicle spaces
Bowling alleys	Parking study required	
Dance halls	Parking study required	None

Health/fitness clubs	1 space for each 200 sq. ft. of gross floor area		5 percent of vehicle spaces
Libraries and museums	Parking study required		5 percent of vehicle spaces
Membership organizations	1 space for every 3.5 fixed seats		5 percent of vehicle spaces
Pool and billiard rooms	2.5 spaces for each table		5 percent of vehicle spaces
Schools	Parking study required		Parking study required
Studios for dance, art, etc.	1 space for each 2 students		5 percent of vehicle spaces
Tennis/racquetball courts	Parking study required		5 percent of vehicle spaces
Theaters and meeting halls	1 space for every 3.5 fixed seats		5 percent of vehicle spaces
Residential Uses			
Companion units (See Sec. 36.12.60)	1 space per bedroom	None	
Multi-family dwellings	**Studio unit**	1.5 spaces per unit, 1 space shall be covered	1 space per unit (refer to Sec. 36.32.85.a.1)
	1-bedroom unit less than or equal to 650 square feet	1.5 spaces per unit; 1 space shall be covered	
	1-bedroom unit greater than 650 square feet	2 spaces per unit. 1 space shall be covered.	
	2-bedrooms or more	2 spaces per unit, 1 space shall be covered.	

	Guest	15 percent of the parking spaces required for the project shall be conveniently located for guest parking. The zoning administrator may increase the parking requirement to 2.3 spaces per unit if needed to ensure adequate guest spaces	1 space per 10 units
Rooming and boarding houses	Parking study required		Parking study required
Senior congregate care housing	1.15 spaces per unit; half the spaces shall be covered		2 percent of vehicle spaces
Senior care facility	Parking study required		Parking study required
Single-family housing and each dwelling unit in a duplex (See Sec. 36.10.15 – Single-Family; See Sec. 36.10.50 for unit in duplex)	2 spaces, 1 of which shall be covered		None
Single-room occupancies	1 space per dwelling unit; plus 1 for every nonresident employee. Reduction of up to 0.50 space per unit may be granted through the conditional use permit process		1 space per 10 units
Small-lot, single-family developments	2 spaces, one of which shall be covered, and 0.50 guest space per unit		None
Townhouse developments	**Per unit**	2 spaces, one shall be covered.	1 space per unit
	Guest	Guest parking shall equal in total an additional 0.6 space for each unit, for an aggregate ratio of 2.6 spaces for each unit.	

Rowhouse developments	**Studio unit**	1.5 spaces per unit, 1 space shall be covered.	1 space per unit
	1-bedroom or more	2 covered spaces.	
	Guest	Guest parking shall equal in total an additional 0.3 space for each unit.	
Retail Trade			
Auto, mobile home, vehicle and parts sale	1 space for each 450 sq. ft. of gross floor area for showroom and office, plus 1 space for each 2,000 sq. ft. of outdoor display area, plus 1 space for each 500 sq. ft. of gross floor area for vehicle repair, plus 1 space for each 300 sq. ft. of gross floor area for the parts department		5 percent of vehicle spaces
Furniture, furnishings and home equipment stores	1 space for each 600 sq. ft. of gross floor area		5 percent of vehicle spaces
Plant nurseries	Parking study required		Parking study required
Restaurants, cafés, bars, other eating/drinking places			
Take-out only	1 space for each 180 sq. ft. of gross floor area		
Fast food (counter service)	1 space for each 100 sq. ft.; minimum 25 spaces		5 percent of vehicle spaces
Table service	1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater		
Outdoor seating	1 space for each 2.5 seats		
Retail stores			
General merchandise	1 space for each 180 sq. ft. of gross floor area		5 percent of vehicle spaces
Warehouse retail	Parking study required		Parking study required
Service stations	1 space for each 180 sq. ft. of gross floor area		None
Shopping centers	1 space for each 250 sq. ft. of gross floor area		5 percent of vehicle spaces

Service uses		
Animal service establishment	1 space for each 200 sq. ft. of gross floor area	2 percent of vehicle spaces
Banks and financial services	1 space for each 300 sq. ft. of gross floor area, plus one space per ATM	5 percent of vehicle spaces
Hotels and motels	1 space for each guest room, plus 1 space for each 2 employees, plus as required for ancillary uses	2 percent of vehicle spaces
Medical services	Clinic, offices, labs, under 20,000 sq. ft.	1 space for each 150 sq. ft. of gross floor area
Clinics, offices, labs, greater than 20,000 square feet	1 space for each 225 sq. ft. of gross floor area	2 percent of vehicle spaces
Extended care	1 space for each 3 beds, plus 1 space for each employee	
Hospitals	1 space for each patient bed	
Offices, administrative, corporate, research and development	1 space for each 300 sq. ft. of gross floor area	5 percent of vehicle spaces
Personal services	1 space for each 180 sq. ft. of gross floor area	5 percent of vehicle spaces
Vehicle washing	Parking study required	None
Repair and maintenance—vehicle		
Lube-n-tune	2 spaces per service bay	None
Repair garage	5 spaces, plus 1 space for each 200 sq. ft. of gross floor area	None
Storage, personal storage facilities	1 space for each 2,000 sq. ft. of gross floor area plus 2 spaces for any resident manager	None
Warehousing and data centers	1 space for each 500 sq. ft. of gross floor area plus 1 space for each company vehicle	5 percent of vehicle spaces

SEC. 36.32.55. Handicapped parking requirements.

Handicapped parking requirements are established by the state and are contained in the California Code of Regulations, Title 24. State law may be amended

from time to time, so reference should be made directly to the California Code of Regulations for standards on the required number, dimensions and location of handicapped parking spaces, signage and related facilities. The community development department will provide information on current requirements and space design upon request.

SEC. 36.32.60. Number of loading spaces required.

Unless modified/adjusted by the zoning administrator in compliance with Sec. 36.48 (Conditional Use Permits), off-street freight and equipment loading spaces shall be provided for all nonresidential uses. The following minimum number of loading spaces shall be provided for each use unless modified by the zoning administrator:

Table 36.32-1

TYPE OF LAND USE	Gross Floor Area	Loading Spaces Required
Commercial, industrial, institutional and service uses	10,000 to 30,000 square feet	1 space
	30,001 square feet and more	1 space per each additional 20,000 square feet

Requirements for uses not specifically listed shall be determined by the zoning administrator based upon the requirements for comparable uses and upon the particular characteristics of the proposed use, in compliance with Sec. 36.32.50 (Required Parking Spaces).

DIVISION 4. REDUCTION OF OFF-STREET PARKING.

SEC. 36.32.65. Parking reduction.

The zoning administrator may grant a reduction in off-street parking requirements in compliance with Sec. 36.48 (Conditional Use Permits). The applicant shall provide evidence to demonstrate, to the satisfaction of the zoning administrator, that changes in conditions or issues justify such reduction and will not result in a parking deficiency.

SEC. 36.32.70. Shared parking reduction.

Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during different hours than the remaining uses. The applicant shall apply for a use permit in compliance with Sec. 36.48 (Conditional Use Permit) and provide documentation (i.e., shared parking use analysis) to the satisfaction of the zoning administrator,

substantiating the reasons for the requested shared parking reduction. Shared parking may only be approved if:

a. A sufficient number of spaces are provided to meet the maximum cumulative parking demand of the participating uses at any time;

b. Satisfactory evidence, as deemed by the zoning administrator, has been submitted by the parties operating the shared parking facility regarding the nature of the uses and the times when the uses operate, so as to demonstrate the lack of potential conflict between them; and

c. Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the zoning administrator are executed to ensure that the required parking spaces provided are maintained and used as approved for the life of the nonresidential development.

DIVISION 5. DEVELOPMENT STANDARDS FOR OFF-STREET LOADING AND PARKING.

SEC. 36.32.75. Development standards for off-street loading.

Off-street loading areas shall be provided in the following manner:

a. **Dimensions.** Required freight and equipment loading spaces shall be not less than ten (10) feet in width, twenty-five (25) feet in length, with twelve (12) feet of vertical clearance;

b. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining parcels and public rights-of-way;

c. **Location.** Freight and equipment loading spaces shall be located and designed as follows:

1. Next to, or as close as possible to, the main structure;

2. Situated or screened to ensure that the loading facility shall not be visible from any major public rights-of-way;

3. Situated to ensure that all loading and unloading takes place on-site, and in no case within adjacent public rights-of-way, or other traffic areas on-site;

4. Situated to ensure that all vehicular maneuvers occur on-site; and

5. Situated to avoid adverse noise impacts upon neighboring residential properties.

d. **Screening.** All loading areas abutting residentially zoned parcels shall have a seven (7) foot high solid architecturally treated decorative masonry wall, approved by the zoning administrator, to properly screen the loading area(s). All wall treatments shall occur on both sides.

e. **Security.** All loading facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users.

f. **Loading doors and gates.** Loading bays and roll-up doors shall generally be located on the rear of the structure. Bays and doors may be located on the side of a building away from a street frontage where it can be demonstrated that the bays, doors and related trucks will be adequately screened from public view from any street or public right-of-way.

g. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained in a clear and visible manner at all times.

SEC. 36.32.80. Development standards for off-street parking.

Off-street parking areas shall be provided in the following manner:

a. **Access.**

1. Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Single-family homes and duplexes are exempt from this requirement and the zoning administrator may approve exceptions for other residential projects; and

2. No parking space backup area shall occur in the first twenty (20) feet from the street right-of-way and a parking lot entrance or exit.

b. **Commercial vehicle parking.** No commercial vehicle exceeding eight (8) feet in height and/or twenty (20) feet in combined total length, or towed equipment, shall park between the hours of 6:00 p.m. and 6:00 a.m. on private property (or public rights-of-way within residential zoning districts in compliance with City Code Sec. 19.79.1 (Parking of Certain Commercial Vehicles on Residential Streets Prohibited).

This prohibition shall not apply to construction sites during the construction process or to vehicles in the process of making delivery or pickup.

c. **Dimensional requirements.**

1. **General requirements.** Minimum parking stall dimensions shall be eight and one-half (8.5) feet by eighteen (18) feet except as indicated in the following table and as illustrated by Figure 36.32-1, Parking Space Design and Layout:

Table 36.32-2

One-Way Traffic and Single-Loaded Aisles			
Parking angle (degrees)	**Stall depth**	**Aisle width** (travel lane)	**Total bay depth**
30	17′	14′	31′
45	19′	14′-6″	33′-6″
60	20′	17′	37′
90	18′	24′	42′
One-Way Traffic and Double-Loaded Aisles			
Parking angle (degrees)	**Stall depth**	**Aisle width** (travel lane)	**Total bay depth**
30	17′	14′	48′
45	19′	14′-6″	52′-6″
60	20′	17′	57′
90	18′	24′	60′
Two-Way Traffic and Double-Loaded Aisles			
Parking angle (degrees)	**Stall depth**	**Aisle width** (travel lane)	**Total bay depth**
30	17′	24′	58′
45	19′	24′	62′
60	20′	24′	64′
90	18′	24′	60′

2. **Dimensions for private garages or carports**. A minimum unobstructed inside dimension of nine (9) feet by twenty (20) feet shall be maintained, for a private one (1) car garage or carport and shall be increased nine (9) feet in width

for each additional parking space. The minimum unobstructed ceiling height shall be seven (7) feet and six (6) inches; and

3. **Parallel parking spaces.** For a parallel space, the minimum width shall be eight (8) feet and the minimum length shall be twenty-four (24) feet.

d. **Drainage.** All required off-street parking/loading areas shall be designed so that surface water will not drain over any sidewalk, or adjacent parcels.

e. **Driveways.** Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed and maintained as follows:

1. **R1 and R2 zoning districts.** See Sec. 36.10.25 (R1 Zone Development Standards) and 36.10.50 (R2 Zone Development Standards) for details.

2. **Other zoning districts.** Driveways shall be a minimum width of twelve (12) feet for a one (1) way driveway and eighteen (18) feet for a two (2) way driveway; and

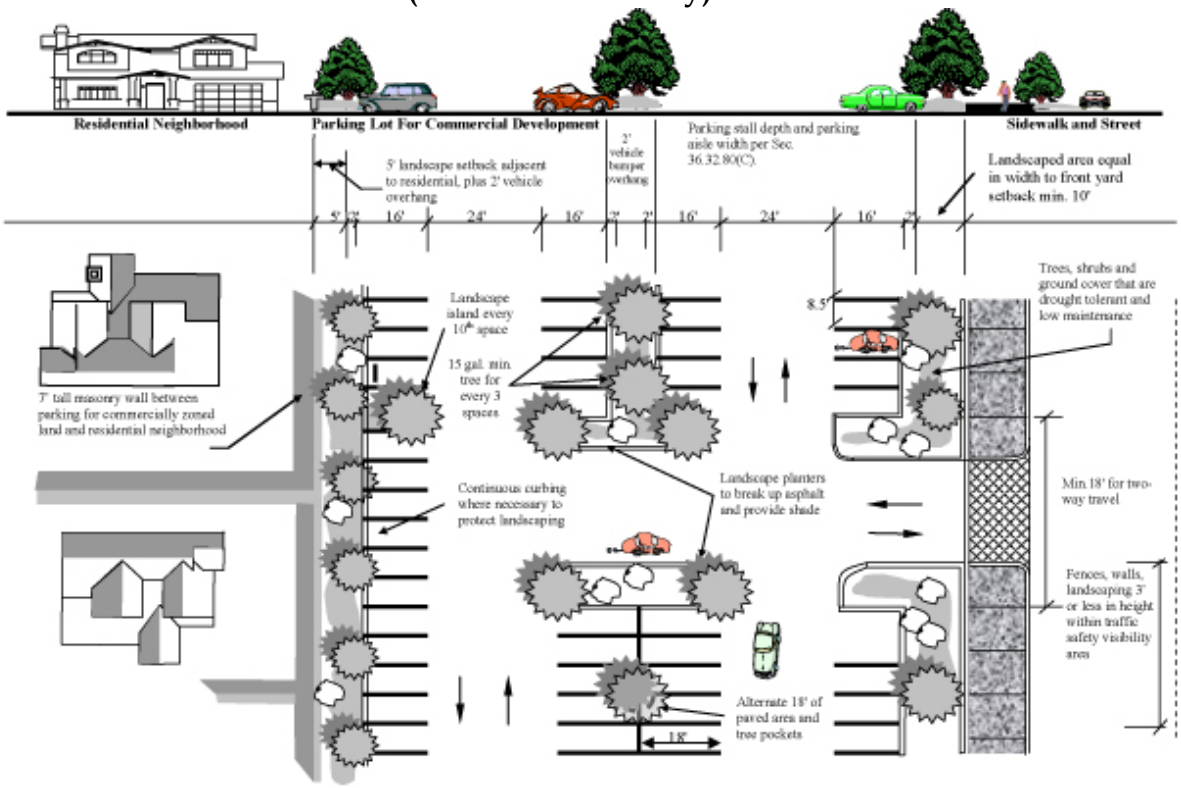
3. **Obstructions.** The driveway width shall be maintained free and clear of all obstructions.

f. **Landscaping.** Required landscaping within the parking area(s) shall be provided as follows, unless otherwise specified in this chapter:

1. Where parking areas with more than ten (10) spaces adjoin a public right-of-way, a landscaped planting strip with an average width of ten (10) feet and no less than five (5) feet shall be established and continuously maintained between the public right-of-way and parking area(s). Any planting, sign, or other structures near a driveway shall not exceed thirty-six (36) inches in height;

2. Parking areas shall have at least one (1) fifteen (15) gallon tree for every three (3) spaces, with some appropriate clustering of trees permitted, and six (6) foot by eighteen (18) foot projecting landscaped islands generally every ten (10) parking spaces (see Figure 36.32-1). Whenever possible, interior parking spaces should have a continuous planter strip six (6) feet wide between rows of parking. Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas;

Figure 36.32-1
PARKING SPACE DESIGN AND LAYOUT
(For Reference Only)



3. Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be permanently landscaped with suitable materials and permanently maintained, in compliance with a program submitted by the applicant and approved by the zoning administrator;

4. All landscaped areas shall be bordered by a concrete curb that is at least six (6) inches high and six (6) inches wide; and

5. To increase the parking lot landscaped area, a maximum of two (2) feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

g. **Lighting.** Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way in compliance with City Code Sec. 8.242 and 8.252.

h. **Location of required parking spaces.** All parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the zoning administrator. The zoning administrator may approve a portion or all of the required off-street spaces to be located on a parcel that adjoins the parcel containing the primary structure or use. This approval shall be based on accessibility to the primary structure or use and the use and development of the adjacent parcel. The applicant shall provide evidence, to the satisfaction of the zoning administrator, that a suitable long-term lease or other legal agreement can be executed and recorded which would guarantee that the parcel containing the primary structure or use has the irrevocable right to utilize the adjacent parcel for parking. The zoning administrator may allow parking spaces located along a new public street dedicated as part of the project to be counted towards guest parking requirements as part of a planned unit development permit or planned community permit, but only for sites proposing a new public street(s) internal to the original project site area.

i. **Maintenance.** All required parking facilities shall be permanently maintained, free of litter and debris, potholes, obstructions and stored material.

j. **Recreational vehicle parking—Residential.** Recreational vehicle parking shall be in compliance with City Code Sec. 19.111 (Regulation of Storage or Parking of Vehicles in Residential Areas).

k. **Screening.** Commercial/industrial and public parking areas abutting residentially zoned parcels shall have an acoustically designed seven (7) foot high wood or decorative masonry wall, to properly screen the parking area(s), subject to approval by the zoning administrator, who may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.

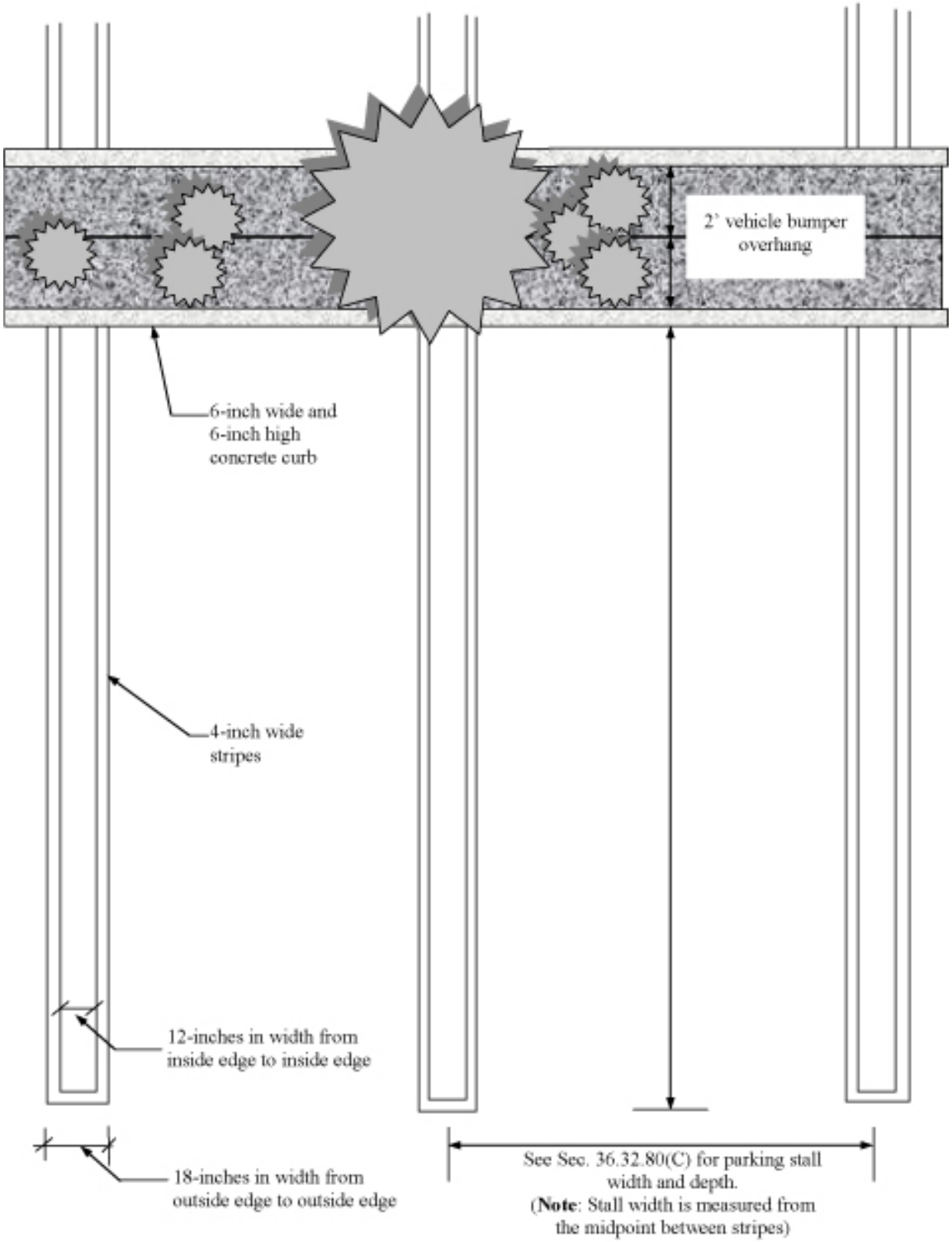
l. **Security.** All parking facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users.

m. **Striping.** Parking stalls shall be identified by four (4) inch wide stripes of paint, or other durable striping material approved by the zoning administrator, on the parking lot surface. All parking stalls shall be clearly outlined with double stripes (see Figure 36.32-2, Parking Stall Striping), except parallel spaces which may be marked with single lines.

n. **Tandem parking.** Tandem parking shall not be permitted to satisfy off-street parking requirements except where appropriate for developments of single- or two (2) family units, and then only when the tandem space is behind the covered space serving the same unit, and per the Townhouse Guidelines, Rowhouse Guidelines and the R4 Standards and Guidelines, subject to the approval of the zoning administrator.

o. **Wheel stops/curbing.** Continuous concrete curbing at least six (6) inches high and six (6) inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures and be located at least two (2) feet from those structures. All parking lots shall have continuous curbing at least six (6) inches high and six (6) inches wide around all parking areas and aisle planters.

Figure 36.32-2
PARKING STALL STRIPING
(For Reference Only)



DIVISION 6. BICYCLE PARKING STANDARDS.

SEC. 36.32.85. Bicycle parking facilities.

Bicycle parking facilities shall be provided in compliance with this section and the Bicycle Parking Guidelines provided by the community development department.

a. **Classification of bicycle parking facilities.**

1. **Class I facilities.** Intended for long-term parking (e.g., for employees); protects against theft of entire bicycle and of its components and accessories. The facility shall also protect the bicycles from inclement weather, including wind-driven rain. Three (3) design alternatives for Class I facilities are as follows:

(a) **Bicycle locker.** A fully enclosed, weather-resistant space accessible only by the owner or operator of the bicycle. Bicycle lockers may be premanufactured or designed for individual sites. All bicycle lockers shall be fitted with key locking mechanisms. This is the preferred Class I facility;

(b) **Restricted access.** Class III bicycle parking facilities located within an interior locked room or locked enclosure accessible by key only to the owners or operators of the bicycles parked within. The maximum capacity of each restricted room or enclosure shall be ten (10) bicycles; and

(c) **Enclosed cages.** An exterior enclosure for individual bicycles, where contents are visible from the sides but the top is covered, and which can be securely locked by a user-provided lock. This type of facility is only to be used for retail and service uses and multiple-family development.

(d) **Other.** Class I facilities other than lockers, restricted access rooms or enclosed cages, but providing the same level of security, may be approved by the zoning administrator. A written building management policy of permitting bicycles to be stored in private offices or multi-family dwellings (including apartments, townhomes and condominiums), or in designated areas within the structure where adequate security is provided, may be approved by the zoning administrator as an alternative to Class I facilities.

2. **Class II and Class III facilities.** Intended for short term parking (e.g., for shoppers, visitors). A stationary object to which the user can lock the frame and both wheels. Should be protected from weather whenever possible. The zoning administrator may require either a Class II or Class III facility depending on where the facilities are to be located.

(a) **Class II.** Class II facilities are designed so that the lock is protected from physical assault and therefore the facility need not be within constant visual range. A Class II rack shall accept padlocks and high security, U-shaped locks.

(b) **Class III.** Class III facilities are less secure and, therefore, shall be within constant visual range of persons within the adjacent structure or located in well-traveled pedestrian areas.

b. **Bicycle parking design standards:**

1. **Clearance**. Class I(b), Class II and Class III facilities shall provide at least a twenty-four (24) inch clearance from the centerline of each adjacent bicycle, and at least eighteen (18) inches from walls or other obstructions;

2. **Aisle**. An aisle or other space shall be provided for bicycles to enter and leave the facility. This aisle shall have a width of at least five (5) feet to the front or the rear of a standard six (6) foot bicycle parked in the facility;

3. **Building entrance—Class I**. Class I facilities at employment sites shall be located near the structure entrances used by employees;

4. **Building entrance—Class II and III**. Class II or Class III facilities intended for customers or visitors shall be located near the main structure used by the public;

5. **Paving.** Paving of bicycle parking areas is required;

6. **Convenience**. Convenient access to bicycle parking facilities shall be provided. Where access is via a sidewalk or pathway, curb ramps shall be installed where appropriate;

7. **Lighting**. Lighting shall be provided in all bicycle parking areas. In both exterior and interior locations, lighting of not less than one (1) footcandle of illumination at ground level shall be provided; and

8. **Review**. The zoning administrator shall have the authority to review the design of all bicycle parking facilities required by this section with respect to safety, security and convenience. The zoning administrator shall consider the bicycle parking guidelines in determining the type, location and design of bicycle parking facilities.

c. **Number and type of bicycle spaces required.** The following standards shall apply:

1. **Number of bicycle parking spaces.** The number of bicycle parking spaces required is determined by Sec. 36.32.50 (Required Parking Spaces); and

2. **Class of bicycle parking spaces.** The zoning administrator may require that a certain percentage of the spaces be Class I, Class II or Class III depending on the potential users. The zoning administrator shall use the Bicycle Parking Guidelines in determining the appropriate proportions of each class.

d. **Showers and changing room standards.** Two (2) employee shower and changing room facilities, one each for male and female employees, shall be provided for any new structure constructed or for any addition to or enlargement of, any existing structure requiring over two hundred (200) employee parking spaces. This requirement is applicable to industrial, research and development, corporate office and similar high-employment businesses. The floor area used for shower and changing rooms shall not be included in the calculations for floor area ratio limits.

DIVISION 7. NONCONFORMING PARKING AREAS.

SEC. 36.32.90. Nonconforming parking areas.

Any automobile or bicycle parking facilities lawfully existing on the effective date of this ordinance shall be "grandfathered" and may continue pursuant to Sec. 36.06.65, Continuing existing uses, of this chapter except that parking required for additions and expansions of existing buildings and changes in land use shall comply with all provisions of this article.

ARTICLE XI. LANDSCAPING.

DIVISION 1. PURPOSE AND APPLICABILITY.

SEC. 36.34. Purpose.

This article establishes standards for the provisions of landscaping to achieve the following objectives:

a. Enhance the aesthetic appearance of development throughout the city by providing standards related to the quality and functional aspects of landscaping;

b. Increase compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;

c. Provide for the conservation of water resources through the efficient use of irrigation, appropriate plant materials and regular maintenance of landscaped areas; and

d. Protect public, health, safety and welfare by preserving and enhancing the positive visual experience of the built environment, providing appropriate transitions between different land uses, preserving neighborhood character, and enhancing pedestrian and vehicular traffic and safety.

SEC. 36.34.05. Application.

Landscape and conceptual irrigation plans shall be submitted as part of an application for new development, additions or site modifications in compliance with Sec. 36.44.45 (Development Review Process).

DIVISION 2. GENERAL LANDSCAPING REGULATIONS.

SEC. 36.34.10. General landscaping standards.

All landscaping required by this article, and all landscaping shown on landscape and irrigation plans shall be in conformance with the following requirements:

a. **Residential buffers.** Nonresidential property lines bordering residential zoning districts shall have a ten (10) foot landscaped setback and a seven (7) foot high masonry wall, including trees spaced at appropriate intervals that contemplate the size of the tree at maturity. When appropriate, the zoning administrator may require pedestrian access between residential and nonresidential uses.

b. **Plant size.** Minimum plant sizes, unless otherwise approved by the zoning administrator, are as follows:

1. Flats or one (1) gallon for ground cover (root cuttings are not allowed).

2. Five (5) gallon for shrubs.

3. Fifteen (15) gallon for trees.

4. Twenty-four (24) inch or thirty-six (36) inch box for Heritage tree(s) replacement.

c. **Spacing.** Maximum spacing shall be as follows:

1. Twelve (12) inches on center for flats.

2. Twenty-four (24) inches on center for one (1) gallon (all ground cover shall be triangularly spaced).

3. Shrubs shall be three (3) to five (5) feet on-center (depending on species).

4. Trees shall be spaced such that, at maturity, the drip lines do not overlap.

d. **Outdoor amenities.** Multiple-family residential projects of ten (10) units or more and large commercial and industrial projects, as determined by the zoning administrator, shall include outdoor amenities.

1. Amenities to be included in multiple-family projects include barbecues, picnic tables, tot lots, pools or tennis courts.

2. Amenities for large commercial and industrial projects include outdoor eating areas and/or recreation equipment for employees.

3. On-site amenities approved shall be preserved and maintained in perpetuity unless otherwise approved by the zoning administrator.

4. Active recreation facilities may be replaced with similar amenities subject to approval by the zoning administrator.

e. **Parking lot landscaping.** Parking lot landscaping shall be provided in compliance with Sec. 36.32.80.f.

f. **Drought-tolerant design.** Landscape design and construction shall include drought-tolerant and/or native species.

g. **Compatibility.** Landscape designs shall be in harmony with the surrounding urban and natural environment.

h. **Clearance.** Trees and shrubs shall be planted so that at maturity they do not interfere with service lines (a minimum of five (5) feet from water lines and ten (10) feet from sanitary sewer lines), traffic safety visibility areas, basic property rights of adjacent property owners, and the right of solar access.

i. **Installation.** Trees planted near public bicycle trails or curbs shall be of a species and installed in a manner which prevents physical damage to sidewalks, curbs, gutters and other public improvements.

j. **Irrigation.** All commercial, industrial, and multi-family landscaping shall have automatic irrigation systems.

k. **Coordination with adjacent properties.** Where possible, comprehensive landscaping plans should complement existing landscaping on neighboring properties to further ensure compatibility.

l. **Utilities.** Utilities may occur within required landscaped areas, but only if underground utilities will not preclude appropriate planting of trees, and the utility facilities are screened from public view.

m. **Corner treatment standard for landscaping and fencing.** A traffic safety visibility area which allows unobstructed views across the site shall be provided for all corner properties. This triangular area is formed by measuring thirty-five (35) feet from the intersection of the front and street side property lines of a corner parcel, and connecting the lines across the property. Within this area nothing shall be erected, placed, planted or allowed to grow exceeding three (3) feet in height with the exception of trees with canopies no lower than six (6) feet.

SEC. 36.34.15. Maintenance of landscaping.

All landscaping required to be installed as part of development project shall be maintained for the life of the project. Maintenance of landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.

SEC. 36.34.20. Installation of required landscaping.

Landscaping required as part of a development project shall be installed prior to final inspection. In the event that weather conditions prevent the effective installation of required landscaping prior to final inspection, a performance bond or other security in the amount equal to the value of the landscaping may be permitted, subject to the approval of the zoning administrator.

SEC. 36.34.25. Removal of trees.

Removal of healthy trees of any size is discouraged. "Heritage trees," as defined, shall be retained to the extent possible. The removal of a Heritage tree shall be done in

compliance with the permit application and review provisions of Chapter 32, Article II (Protection of the Urban Forest).

DIVISION 3. WATER CONSERVATION IN LANDSCAPING REGULATIONS.

SEC. 36.34.30. Water conservation in landscaping regulations.

The water conservation in landscaping regulations supplement the requirements of this article by providing detailed requirement for landscaping and irrigation systems for select new and rehabilitated landscape areas and are incorporated herein by reference. These regulations further the city's current water conservation efforts, reduce future water demands and comply with state water conservation requirements. New and/or rehabilitated landscaping associated with any project requiring a zoning permit or at a city facility, where the affected landscape area is one thousand (1,000) square feet or greater, shall comply with the provisions of the water conservation in landscaping regulations.

Standards stated in this article that are not specified in the water conservation in landscaping regulations shall remain applicable. In the case of conflict between the water conservation in landscaping regulations and the requirements of this article, the water conservation in landscaping regulations shall govern.

DIVISION 4. LANDSCAPE AND IRRIGATION PLANS.

SEC. 36.34.35. Landscape and irrigation plans.

a. **Plan content.** Landscape and conceptual irrigation plans shall be fully dimensioned, and shall include, but not be limited to, the following:

1. Plant and tree list (common and Latin names and number of each species);

2. Size;

3. Location;

4. Spacing;

5. Hardscape (walkways, patios, etc.);

6. Water elements;

7. Recreational amenities;

8. Conceptual irrigation plan;

9. Plant and tree installation information; and

10. Any other information deemed necessary.

b. **Plan preparation.** Landscape and conceptual irrigation plans shall be prepared by a certified landscape professional, unless waived by the zoning administrator. Final detailed irrigation plans and schedule shall be provided with building permit submittal.

ARTICLE XII. SIGNS.

DIVISION 1. PURPOSE, APPLICABILITY AND REQUIREMENTS.

SEC. 36.36. Purpose.

The City of Mountain View finds that signs have a strong visual impact on the character and quality of the community. As a prominent part of the visual environment, they attract or repel the viewing public, announce or obscure the location of businesses and other uses, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood in which they are located. Most signs in the City of Mountain View are displayed to both the vehicular and pedestrian public and in various historic, residential, commercial and industrial districts. It is the intent of the City of Mountain View, through this comprehensive sign approach, to protect and enhance the city's historic and residential character and its economic base through provision of appropriate and aesthetic signing. In addition, it is the intent of the city to regulate the size, type and location of signs in order to provide utility to the user while minimizing their negative affects on the aesthetic values of the community and on safety issues relative to vehicular and pedestrian traffic. In view of these facts, the City of Mountain View adopts the policy that the signs should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the people of the city to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the visual characteristics of the building, the neighborhood and other signs in the area.

SEC. 36.36.05. Applicability.

Signs shall only be erected or maintained as established by this article. The number of permitted signs and the size of sign(s) permitted by this article are maximum standards which do not necessarily ensure architectural compatibility. Therefore, in addition to the enumerated standards of this article, consideration shall be given to the

relationship of the sign to the overall appearance of the subject property as well as to the surrounding community and may result in an approved sign that is less than the maximum sign area permitted to ensure aesthetic compatibility with the building or site as determined by the zoning administrator. This article shall not apply to public or civil event signs installed in the public rights-of-way.

SEC. 36.36.10. Sign permit requirements.

a. It shall be unlawful for any person or agent to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City of Mountain View, except in conformance with this chapter.

b. Signs shall only be constructed, displayed or altered with sign permits approved through development review in accordance with Sec. 36.44.45 (Development review), exempt are specific signs listed in Sec. 36.36.15 (Exempt signs).

c. A sign program that consists of a visual or written system of signage for a multiple-building or multiple-occupant site which defines a visual design common theme for signage that is compatible with the applicable structures and uses, may be required as part of a development review application for multi-tenant structure(s), or as deemed necessary by the zoning administrator, to ensure compliance with the provisions of this article, consistent with Sec. 36.56 (Applications, Hearings and Appeals).

DIVISION 2. EXEMPT SIGNS.

SEC. 36.36.15. Exempt signs.

The following signs shall not require approval by the zoning administrator, nor shall the area of these signs be counted as part of the maximum sign area permitted for any site or use, though may require building permits:

a. **Open/closed sign.** One "open" or "closed" window sign less than two (2) square feet.

b. **Flag.** An American, California or city flag. The flag shall not exceed eight (8) feet in length or ten (10) feet in height.

c. **Business information signs.** Business information signs are signs informing business patrons of hours of business, "help wanted," accepted credit cards or other general business information, but do not include separate identification of the specific business or advertisement of products, services or sales. Such business

information signs shall be gathered in one (1) location unless otherwise approved by the zoning administrator, and shall not exceed a total of two (2) square feet.

d. **Open house sign.** In addition to other real estate signs permitted by this article, one "open house" sign not exceeding three (3) square feet is permitted provided it is located on the particular premises which is for sale, lease or rent, and posted only when a salesperson is present.

e. **Undeveloped acreage real estate sign.** For undeveloped acreage, one (1) nonilluminated real estate sign shall be permitted, and shall not exceed one-quarter (1/4) of one (1) square foot for each linear foot of site frontage, to the maximum of fifty (50) square feet, and shall not exceed a height of six (6) feet above the surface of the street.

f. **Project announcement signs.** Project announcement signs, or any other similar temporary sign required by the community development department, that inform the public that a land use application is on file with the City of Mountain View shall be permitted for any district. The timing, number, placement, size, material and content of these sign(s) shall be approved by the zoning administrator. These signs shall not be used as an advertisement for the property. The signs shall be promptly removed following a final action on the land use application(s) or the completion of construction.

g. **Community interest sign, private property.** A single designated area not exceeding six (6) square feet of a single window of an occupancy may be approved to allow display of a maximum of two (2) ancillary, temporary, professionally prepared posters announcing an event of general community interest in addition to any permanent signs allowed. Said poster(s) shall not include the name of the business or property displaying the poster. Said posters shall not require individual city approval, but shall be dated on the sign and shall be removed within thirty (30) days of the posted date or upon conclusion of the event, whichever occurs first.

h. **Grand opening banners, temporary**. No more than one (1) temporary banner per occupancy frontage announcing a new business opening may be displayed for a maximum period of thirty (30) days. Said banner(s) shall be dated on the sign and shall be removed within thirty (30) days of the posted date.

i. **Directional sign**. Signs necessary for public convenience and safety, not exceeding four (4) square feet in size or three (3) feet in height, containing information such as "entrance," "exit," or directional arrows designed to be viewed by on-site pedestrians or motorists. These signs require a building permit.

j. **Window signs.**

1. Commercial uses with ground floor frontage may have window signs in addition to otherwise permitted building mounted or freestanding signs. A maximum of one (1) window sign is permitted per window pane or framed window area on the ground floor and shall not occupy more than twenty-five (25) percent of the total transparent glass area of those windows parallel to the street on the ground floor of that use, excluding the area of any glass doors, or one (1) square foot per one (1) linear foot of occupancy frontage on a public street, whichever is less. The maximum height of lettering on window signs shall not exceed twelve (12) inches. Except for neon signs where permitted, window signs shall be nonilluminated or internally or indirectly illuminated only, and shall consist of painted or gold leaf lettering directly on glass; plastic, wood, metal or other high-quality solid material; or solidly framed posters or sign boards. Neon signs within four (4) feet of a window may be permitted as a window sign provided that: (i) all electrical supply cords and conduits and electrical transformers are hidden from view through the window; and (ii) all necessary permits, including electrical and/or building permits, have been obtained.

2. Commercial uses on the second floor of multiple-story buildings may have window signs in addition to otherwise permitted building-mounted or freestanding signs. A maximum of one (1) window sign is permitted per window pane or framed window area on the second floor and shall not occupy more than fifteen (15) percent of the total second floor, transparent glass area of those windows parallel to the street of that use. The maximum height of lettering on window signs shall not exceed twelve (12) inches. Second-floor window signs shall be nonilluminated and shall consist of painted or gold-leaf on the glass surface.

3. Window signs above the second floor shall not be permitted. Any graphics, displays or sign panels with lettering more than one (1) inch high, mounted within four (4) feet of a window shall be considered a window sign subject to these provisions, except for: (i) displays with lettering less than one (1) inch high; (ii) products on shelves for sale to the public, and; (iii) framed information panels with at least eighty (80) percent of area of text in lettering less than one (1) inch high.

DIVISION 3. PROHIBITED SIGNS.

SEC. 36.36.20. Prohibited signs.

The following signs are inconsistent with the purposes of the city's comprehensive sign approach and the sign standards outlined in this article, and are therefore prohibited:

a. Abandoned signs, or signs advertising or publicizing an activity, service or product not conducted on the premises upon which the sign is maintained, excerpt for community-interest signs permitted by Sec. 36.36.15.g or signs specifically permitted in a zone district or precise plan;

b. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar moving or simulated moving sign;

c. Balloons, gas-filled balloons, flags (except for those outlined in Sec. 36.36.15.b), banners (except as provided in Sec. 36.36.15.h and 36.36.60) and pennants;

d. Signs on benches, bicycle racks, shopping cart corrals or other site appurtenances, except for simple, nonilluminated directory or owner identification signs not exceeding two (2) square feet;

e. Off-site signs, except as permitted in Sec. 36.36.60;

f. Signs mounted on the roof or above the lower eave line of a mansard or similar roof;

g. Signs on public property or in a public right-of-way, except for publicly installed traffic and street identification signs, approved special event signs or other signs expressly permitted by this code (such as, political signs);

h. Signs painted on or affixed to fences or roofs;

i. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in a manner which could interfere with, mislead or confuse pedestrian or vehicular traffic;

j. Temporary signs, including, but not limited to, "A" frame signs and sandwich boards, any sign attached to utility or street name poles and any product or temporary sign mounted or painted on a vehicle parked or located so as to function as an identification or directional sign(s) identifying a business or product; and

k. Windblown devices, including, but not limited to, windmills, kites, display flags, streamers, balloons, blimps or similar devices designed to attract attention to a property or business by moving in the wind.

DIVISION 4. GENERAL SIGN REGULATIONS.

SEC. 36.36.25. General sign regulations.

The following general regulations apply to all signs unless specifically modified by sign standards for individual zone districts:

a. **Measurement of sign area.** Sign area for all signs permitted by this article shall be measured by means of a single rectangular or circular shape that encloses all sign elements except the support structure. For signs consisting of individual letters and/or graphics mounted on a building wall or window, the sign area shall be measured by means of a single rectangular or circular shape that encloses all of the letters and graphics that constitute the sign. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides. Aggregate sign area is the area of all signs on the property or occupancy, except for exempt signs and real estate signs.

b. **Aggregate sign area based on lot frontage**. For properties with multiple street frontages in zoning districts with an aggregate sign area based on lot frontage, the aggregate area shall be based on the lot frontage of the longest side, not including the corner circumference.

c. **Relationship to structures.** Each sign shall complement the architectural style and setting of the structure or use represented. Building wall and fascia signs shall be compatible with the predominant visual elements of the structure(s), including but not limited to construction materials, color, or other design feature consistent with Sec. 36.36.30 (Findings). Each freestanding/monument sign shall be designed to complement the architectural character of the adjacent structure(s). Commercial centers, offices, industrial complexes and other similar facilities with multiple signs may be required to incorporate a sign program in compliance with the provisions of this article which shall have a compatible visual design common in theme to all applicable structures and uses.

d. **Relationship to other signs.** Multiple tenant developments on single properties are encouraged and may be required as a condition of project approval to establish a program for overall coordination of signing for the development. Where there is more than one (1) sign, all signs should be complementary to each other in the following ways:

1. Letter size and style of copy;

2. Shape of total sign and related components;

3. Type of construction materials (sign or letter frame, sign copy, supports, etc.); and

4. Method used for supporting sign (wall or ground base).

e. **Landscaping.** Each freestanding/monument sign shall be located within a planted landscaped area. The size, shape and design of the landscaped area shall relate to the size, shape and design of the sign and provide a base on the ground appropriate to the sign structure as determined through the design review process.

f. **Signs in street right-of-way or interfering with sight distance.**

1. No sign shall be located in or project into the present or future right-of-way (ROW) of any public street unless such location or projection is specifically authorized by other provisions of this code and has secured all necessary permits, including an encroachment permit.

2. No sign shall be designed, located or constructed so as to interfere with the sight distance of motorists/cyclists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.

g. **Signs over driveways.** All parts of signs, except for height limitation warning signs, suspended over or projecting into the area above a driveway located on private property shall be located at least fifteen (15) feet above the surface of the driveway.

h. **Signs over public sidewalks and pedestrian ways.** All parts of signs suspended over or projecting into the area above a public sidewalk or pedestrian way shall be situated at least eight (8) feet above the surface of the sidewalk or pedestrian way unless a lower height is specifically permitted within a zone district or precise plan.

i. **Construction standards.** All permanent signs shall be professionally constructed of high quality, durable materials that complement the adjacent building and surrounding community and shall be designed to be vandal- and weather-resistant.

j. **Maintenance.** To avoid visual blight and public safety hazards, all signs shall be properly maintained, with all parts in proper working order, finishes maintained in weather-resistant condition, and all parts of the sign firmly affixed to the building or other support structure.

k. **Sign removal and repair.** If a sign is removed or replaced with a different size sign, the remaining sign structure of a freestanding sign or the wall of the building to which the sign was attached shall be repaired, patched, painted and otherwise restored to match the rest of the structure or building wall. If no sign is placed on a freestanding sign pole or monument, the entire pole or monument shall be removed.

SEC. 36.36.30. Findings.

The zoning administrator may approve and/or conditionally approve a sign or sign program application in whole or in part, with or without conditions, only if the following findings are made:

a. The proposed sign is permitted within the zoning district and complies with all of the applicable provisions of this chapter;

b. The sign primarily identifies the business name and does not list multiple products or services;

c. The sign is in proper proportion to the structure or site on which it is located and as an identification device, does not excessively compete for the public's attention;

d. The sign materials, color, texture, size, shape, height, and placement are harmonious with the design of the structure, property and neighborhood of which it is a part;

e. The sign's illumination is at the lowest possible level, which ensures adequate identification and readability and is directed solely at the sign or is internal to it;

f. The sign is not detrimental to the public interest, health, safety, or welfare; and

g. The sign is in compliance with the sign regulations in Sec. 36.36.25.

SEC. 36.36.35. Abatement of nonconforming signs.

a. Any additional development of a site, or change of use, occupancy, tenant or sign copy (with the exception of window signs) shall require that legally established, nonconforming signs be brought into conformance with this chapter. Such nonconforming signs are also subject to the time limits established by Sec. 36.06.95, which states that any nonconforming sign must be made to conform to these regulations or be removed within five (5) years of the date the sign became nonconforming.

b. Within the downtown precise plan area, freestanding mural/icon signs which were approved by the zoning administrator prior to the effective date of this ordinance shall be permitted to remain indefinitely provided that said sign does not interfere with public access and the sign is maintained in structurally sound condition and paint or other surface treatment remains weather-resistant and free of discoloration or other significant deterioration.

SEC. 36.36.40. Removal of illegally installed/maintained signs.

a. **Permanent/fixed signs.** The zoning administrator shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this chapter, after fifteen (15) days following the date of mailing of registered or certified written notice to the owner of the property as shown on the latest assessment roll. The notice shall describe the sign and specify the violation, and indicate that the sign will be removed if the violation is not corrected within ten (10) days. If the owner disagrees with the determination of the zoning administrator, the owner may, within the ten (10) day period, request a hearing before the zoning administrator to determine the existence of a violation.

b. **Temporary signs.** The zoning administrator shall have the authority to order the removal of illegal temporary signs without any notice requirements.

c. **Storage of removed signs.** Signs removed by the zoning administrator in compliance with this section shall be stored for a period of ten (10) days, during which time they may be recovered by the owner upon payment to the city for costs of removal and storage. If not recovered prior to the expiration of the ten (10) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the city, and the cost of removal shall be billed to the owner.

SEC. 36.36.45. Severability.

In adopting this article, it was the intent of the city council that these regulations comply with and be interpreted consistent with the state and federal law. If any division, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this article is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this article. The city council hereby declares that it would have adopted this article and each division, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof irrespective of the fact that one or more portions of this article be declared invalid, unconstitutional or unenforceable.

DIVISION 5. SIGNS ALLOWED IN MULTIPLE ZONING DISTRICTS.

SEC. 36.36.50. Signs allowed by permit in multiple zoning districts.

The following signs are allowed in all zoning districts where the use being advertised is allowed, subject to these regulations and issuance of a sign permit, and shall not be counted as part of the maximum allowed sign area per Sec. 36.36.55, except as noted:

a. **Construction sign.** No more than one (1) temporary sign per street frontage adjacent to the project, advertising the various construction trades participating in the project, shall be permitted. On a site less than one (1) acre, the sign shall not exceed thirty-two (32) square feet in sign area or six (6) feet in height. On a parcel of land of one (1) acre or more, the sign shall not exceed fifty (50) square feet in sign area or ten (10) feet in height. The sign shall not extend beyond the subject property nor interfere with any traffic safety visibility area of the parcel (in compliance with Sec. 36.34.10.m, Corner Treatment). The sign shall be unlighted. The sign may remain on the property until the last unit is sold, rented or leased or for one (1) year, whichever period is less; provided, however, that the zoning administrator shall have the authority to extend the time period for a maximum of one (1) additional year.

b. **Temporary subdivision sign.** No more than one (1) on-site, temporary subdivision sign declaring a group of parcels, dwellings or occupancies within a subdivision for sale, rent or lease shall be permitted for each preexisting street frontage of the subdivision site. On a site less than one (1) acre, the sign shall not exceed thirty-two (32) square feet in sign area or six (6) feet in height. On a parcel of land of one (1) acre or more, the sign shall not exceed fifty (50) square feet in sign area or ten (10) feet in height. The sign shall not extend beyond the subject property nor interfere with any traffic safety visibility area of the parcel (in compliance with Sec. 36.34.10.m, Corner Treatment). The sign shall be unlighted. The sign may remain on the property until the last unit is sold, rented or leased or for one (1) year, whichever period is less; provided,

however, that the zoning administrator shall have the authority to extend the time period for one (1) additional year.

c. **Permanent tract or neighborhood signs.** Permanent tract or subdivision signs located at the street entrance or entrances to the appurtenant tract or neighborhood may be permitted through the development review process in accordance with Sec. 36.44.45 (Development Review). Said signs shall contain only the name of the tract or neighborhood, shall consist of landscaped, decorative masonry walls or structures, and shall be unlighted or provided with indirect illumination. Any such sign shall not encroach into the corner sight visibility triangle or exceed the street setback height limit except as specifically approved by the zoning administrator.

d. **Barber poles.** Any barber shop shall be entitled to display a single barber pole in addition to any other signs allowed by this article. The size, location and method of mounting to the building shall be as approved through the development review process in accordance with Sec. 36.44.45 (Development Review).

e. **Readerboards.** Readerboards are portions of signs with message elements or sign copy that may be readily changed through the use of individual letters or characters, separate panels or electrical messages, including price signs. Such sign elements shall be designed as a part of and integrated fully with the architectural design of any other sign permitted on the same parcel of land; except that churches, theaters, places of entertainment or other similar use where programs or performances change on a routine basis may establish a separate readerboard sign in addition to any primary signs allowed in the applicable zone district. All readerboards shall be counted towards and shall comply with the sign area limitations of the zone district in which the sign is located.

f. **Signs appurtenant to conditional uses.** In conjunction with or subsequent to the granting of a conditional use permit, the zoning administrator may authorize signs pertinent to such conditional uses and, based on the sign regulations for permitted uses within the applicable zoning district, may impose special restrictions on their size, height, lighting, shape, color and location. Unless otherwise allowed within the conditions of the conditional use permit, modifications or changes to such signing for a conditional use shall be subject to a further conditional use permit hearing and potential modification or conditions, except where the change to the sign is to reduce the area and clearly improve the appearance of the sign, in which case the modification may be approved through the design review process.

g. **Freestanding signs for multiple-tenant retail developments where permitted by the applicable zone district.** Freestanding signs for shopping centers located on sites four (4) acres or more in size may identify only the center name and/or

one (1) major tenant. On sites less than four (4) acres, the freestanding sign may identify the name of the center and a maximum of five (5) tenants.

h. **Height limit, exposed light signs.** No part of a sign provided with neon or other exposed fluorescent or incandescent light sources shall exceed a height ten (10) feet above the surface of the adjacent street.

DIVISION 6. SIGNS ALLOWED BY ZONING DISTRICT.

SEC. 36.36.55. Signs allowed by permit in specific zoning districts.

The following signs are permitted in the individual zoning districts, subject to compliance with all provisions of this article, including approval through the design review process as set forth in Sec. 36.44.45. The sign regulations listed below are the maximum permitted standards and may be reduced to ensure architectural compatibility, including the sign's relationship to the overall appearance of the building and subject property and to the surrounding community. In the event a conflict arises between the text of this article and the following table, the text shall prevail.

In the following tables, abbreviations and symbols are used and shall have the following meanings:

1. "Sq. ft." shall mean total square footage as measured by one (1) rectangular or circular shape that encloses all sign elements except the support structure.

2. "Ft." shall mean "foot" or "feet," a linear measurement.

3. "Ht." shall mean "height."

4. "=" shall mean "equal" as in "exactly equivalent to"; for example, "maximum ht. = nine (9) ft." shall mean "maximum height equals nine (9) feet."

5. "ROW" shall mean "right-of-way," the line of easement or dedicated land used as a public street or alley.

6. "N/A" shall mean "not applicable."

7. "%" shall mean "percent."

PERMITTED SIGNS BY ZONING DISTRICT

Zoning District	Maximum Permitted Aggregate Sign Area	Permitted Building Signs	Permitted Site (Monument) Signs	Special Signs	Building Real Estate Signs (see Sec. 36.36.15)
A	32 sq. ft.	None	One sign, maximum height = 12 ft., unlighted, no closer than 15 feet to right-of-way.	N/A	N/A
R1	1 sq. ft.; Maximum of 25 sq. ft. for churches, daycare centers and schools.	One sign, area = 1 sq. ft., maximum height = 9 ft., unlighted or indirect or interior illuminated, mounted on building, fence or mailbox.	None	N/A	One sign, maximum of two faces, 4 sq. ft. per face, maximum height = 5 ft. unless placed in window, unlighted.
R2	1 sq. ft. per occupancy up to maximum = 6 sq. ft.; Maximum of 25 sq. ft. for churches, daycare centers and schools.	One sign per occupancy, area = 1 sq. ft., maximum height = 9 ft., unlighted or indirect or interior illuminated, mounted on building, fence or mailbox.	None	PUD with more than 3 units: one additional project identification sign, maximum area = 4 sq. ft., maximum height = 3 ft., unlighted or indirect or interior illuminated, freestanding.	Two signs, maximum two faces, 4 sq. ft. per face, maximum height = 5 ft. unless placed in window, unlighted.

R3, R3D, R4	5 sq. ft. per acre, minimum allowed = 25 sq. ft., maximum allowed = 50 sq. ft. Each face of sign shall be counted.	One sign per building, attached to building, located below eave line, unlighted or indirect or interior illuminated.	One sign, attached to building below eave line or freestanding. Freestanding maximum height = 10 ft., no closer than 10 ft. to right-of-way.	Main and real estate signs, for single-family, duplex, or small lot single-family shall follow the sign standards for the R1 or R2 district as appropriate.	One sign, maximum area = 12 sq. ft., attached to building below eave line or 6 sq. ft. if added to freestanding site sign, unlighted.
RMH	5 sq. ft. per acre, minimum allowed = 25 sq. ft., maximum allowed = 50 sq. ft.	Each mobile home park shall provide at or near the entrance to the park an illuminated directory, including a map showing location of all lots and street names.	One sign, attached to building below eave line or freestanding. Freestanding maximum height = 10 ft., no closer than 10 ft. to right-of-way.	Main and real estate signs for single-family duplex, or small lot single-family shall follow the sign standards for the R1 or R2 district as appropriate.	One sign, maximum area = 12 sq. ft., attached flat to principal building below eave line, unlighted.

CN	N/A	Two per occupancy. First sign minimum allowed area = 15 sq. ft./maximum = 100 sq. ft., attached to building, maximum height = 15 ft. and below eave, unlighted or indirect or interior illumination. Second sign—see Special Signs.	One sign, freestanding, for center with minimum of 4 acres. Maximum of 2 faces, aggregate area = 200 sq. ft., maximum height = 20 ft., unlighted or indirect or interior illumination.	Pedestrian oriented occupancy sign with maximum of 2 faces, maximum area = 6 sq. ft. per face, attached flat to building or hung from canopy or eave above on-site sidewalk, indirect or interior illumination.	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.
CS	N/A	One sign per occupancy frontage, maximum of 2 faces, maximum area per face = 25 sq. ft., located below eave.	One sign per lot, maximum of 2 faces, maximum area = 150 sq. ft. per face, maximum height = 30 ft., may be freestanding.	N/A	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.

CRA	Total of all signs not to exceed 2 percent of gross floor area or 1 sq. ft. per foot of lot frontage, whichever is greater. Minimum of 10 sq. ft. per tenant. Each face of sign shall be counted.	One sign per street frontage, maximum area per sign = 100 sq. ft., building mounted or mounted on canopy not extending into right-of-way. Individually mounted letters, may be illuminated, or painted sign on building, unless other design found more compatible.	One freestanding sign per lot, maximum of 2 faces, maximum area per face = 75 sq. ft., maximum height = 12 ft. for lots under 120 ft. wide/ = 15 ft. for lots wider than 120 ft., must be located within landscaping and must be design compatible with building.	Decorative graphics in addition to building sign area, on building, size clearly secondary to main sign, must complement building and main sign in color and style. Pedestrian-oriented sign, one per occupancy, maximum area = 3 sq. ft. per face, unlighted.	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.
CO	N/A	One sign per principal building, maximum area = 20 sq. ft., mounted flat against building, cannot extend above eave, unlighted or indirect illumination.	One sign, freestanding, maximum area = 50 sq. ft., maximum height = 10 ft., unlighted or indirect illumination.	N/A	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.

ML	Total of all signs not to exceed 1/2 sq. ft. per foot of lot frontage. Minimum of 10 sq. ft. per tenant. Each face of sign shall be counted.	One sign per street frontage. If building mounted, located near main entranceway, cannot extend above eave and cannot be mounted above first floor, except signs on office buildings may be located above the first floor on multi-story buildings, but in no case can it extend above the roof or eave. If freestanding, maximum height = 10 ft., must be located in landscaped area.	One sign per street frontage. If building mounted, located near main entranceway, cannot extend above eave and cannot be mounted above first floor, except signs on office buildings may be located above the first floor on multi-story buildings, but in no case can it extend above the roof or eave. If freestanding, maximum height = 10 ft., must be located in landscaped area.	Decorative graphics, counted in total sign area, mounted on building, size clearly secondary to main sign, must complement building and main sign in color and style.	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.

MM	Total of all signs not to exceed 3/4 sq. ft. per foot of lot frontage. Minimum of 10 sq. ft. per tenant. Each face of sign shall be counted.	One sign per occupancy. If building mounted, located near main entranceway, cannot extend above eave and cannot be mounted above first floor, except signs on office buildings may be located above the first floor on multi-story buildings, but in no case can it extend above the roof or eave. If freestanding, maximum height = 10 ft., must be located in landscaped area.	One sign per occupancy. If building mounted, located near main entranceway, cannot extend above eave and cannot be mounted above first floor, except signs on office buildings may be located above the first floor on multi-story buildings, but in no case can it extend above the roof or eave. If freestanding, maximum height = 10 ft., must be located in landscaped area.	Decorative graphics, counted in total sign area, mounted on building, size clearly secondary to main sign, must complement building and main sign in color and style.	One sign per occupancy, maximum area = 8 sq. ft., attached flat to building wall and below eave, unlighted.

PF	5 sq. ft. per acre, allowed minimum = 25 sq. ft. maximum sign area = 100 sq. ft.	One sign per building, mounted flat on building wall, maximum area = 10 sq. ft.	One sign per lot. If building mounted, located near main entranceway, cannot extend above eave and cannot be mounted above first floor. If freestanding, maximum height = 10 ft., must be located 10 ft. from any property line. Sign unlighted or indirect illumination.	N/A	One sign per lot, maximum area =12 sq. ft., attached flat to building wall and below eave, unlighted.
F	N/A	N/A	One sign per lot, maximum area = 32 sq. ft., maximum height = 10 ft., not located within 15 ft. of right-of-way, unlighted or indirect illumination.	N/A	N/A
P	See individual precise plans. See 36.36.60 for sign regulations for downtown. Sign provisions of precise plans are enforceable as a regulation of this chapter.				

DIVISION 7. SIGN REGULATIONS FOR THE DOWNTOWN PRECISE PLAN.

SEC. 36.36.60. Sign regulations pertaining to the downtown precise plan area.

The following signs are permitted in the downtown precise plan area, subject to compliance with all provisions of this article, including approval through the design review process as set forth in Sec. 36.44.45. The sign regulations listed below are the maximum permitted standards and may be reduced to ensure architectural

compatibility, including the relationship of the sign to the overall appearance of the building and subject property and to the surrounding community. Unless otherwise stated, signs shall be unlighted, or may be indirectly or internally illuminated as approved in the design review process.

SEC. 36.36.65. Measurement of sign area.

The sign area for all signs permitted by this article shall be measured by means of the area of a single rectangular or circular shape that encloses all sign elements except the support structure. For signs consisting of individual letters and/or graphics mounted on a building wall or window, the sign area shall be measured by means of the area of a single rectangular or circular shape that encloses all of the letters and graphics that constitute the sign. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides. Aggregate sign area is the area of all signs on the property or occupancy, except for exempt signs and real estate signs.

SEC. 36.36.70. Primary occupancy signs by use.

a. **Commercial, building-mounted.** No more than one (1) sign per public street or alley frontage shall be permitted and the maximum allowable sign area shall not exceed one (1) square feet per one (1) foot of occupancy frontage. Said sign shall be mounted flat against building or awning, shall be mounted below second-floor windows, with design integrated with, and complementary to, facade design. For occupancies on side streets crossing Castro Street, this sign may project at an angle to the building for visibility from Castro Street. For occupancies fronting on a side street with a second frontage on an alley, the sign may be on the alley side of the building. Neon may be used for primary, commercial, building-mounted signs.

b. **Residential.** Signs as permitted in the R3 district.

SEC. 36.36.75. Monument, pedestrian and directory signs.

a. **Monument signs.** If building entrance is set back a minimum fifteen (15) feet from public street right-of-way line on which the building fronts, no more than one (1) freestanding sign is permitted in addition to building-mounted sign. The maximum monument sign area shall not exceed thirty (30) square feet per face, and the maximum height shall not exceed six (6) feet.

b. **Pedestrian signs.** No more than one (1) sign per storefront shall be permitted; however, said sign may display multiple tenant names if there are multiple tenants in one (1) storefront. The maximum size shall not exceed two (2) feet by three (3) feet. The minimum height above sidewalk shall not be less than eight (8) feet. The

pedestrian sign shall be supported by decorative chain or bracket, designed and constructed with high level of craftsmanship and detail. Creative signs symbolizing the identity of the business are encouraged.

c. **Directory signs.** For multiple-story buildings, no more than one (1) sign listing multiple tenants in the building is permitted. Said sign shall be located on the ground floor. The maximum letter height for tenant names shall not exceed two (2) inches. The sign design must be compatible with the building design and materials. If a second- or third-floor tenant has separate entry on the street, one (1) pedestrian sign is permitted per such tenant entry. Such sign shall be placed near the tenant street entry.

SEC. 36.36.80. Window signs.

a. **First-floor window signs.** The regulations listed in Sec. 36.36.50.f shall apply. A maximum of one (1) window sign related to the occupancy is permitted per window pane or framed window area on the ground floor and shall not occupy more than twenty-five (25) percent of the total transparent glass area of those windows parallel to the street on the ground floor of that use, excluding the area of any glass doors, or one (1) square foot per one (1) linear foot of occupancy frontage on a public street, whichever is less. The maximum height of lettering on window signs shall not exceed twelve (12) inches. Window signs in the downtown precise plan area shall be professionally designed and constructed and shall be limited to gold leaf or painted signs on the glass, or other high-quality graphics material that has been approved by the zoning administrator. Neon signs within four (4) feet of any window are permitted provided that: (i) all electrical supply cords and conduits and electrical transformers are hidden from view through the window; and (ii) all necessary permits, including electrical and/or building permits, have been obtained.

b. **Second-floor window signs.** Commercial uses that are located on second floors of multiple story buildings and that do not have ground-floor occupancy may have window signs in addition to otherwise permitted building-mounted or freestanding signs. A maximum of one (1) window sign is permitted per window pane or framed window area on the second floor and shall not occupy more than fifteen (15) percent of the total second floor, transparent glass area of those windows parallel to the street of that use. The maximum height of lettering on window signs shall not exceed twelve (12) inches. Second floor window signs shall be nonilluminated and shall consist of paint or gold leaf on the glass surface.

1. Window signs above the second floor are prohibited.

2. Except as otherwise provided, paper, cardboard, plastic, chalk- or white-board signs are prohibited.

c. **Window graphics and displays.** Any graphics, displays or sign panels with lettering more than one (1) inch high, mounted within four (4) feet of a window shall be considered a window sign subject to these provisions, except for: (i) displays with lettering less than one (1) inch high; (ii) products on shelves for sale to the public; or (iii) framed information panels with eighty (80) percent of the area of text in lettering less than one (1) inch high.

SEC. 36.36.85. Special signs.

a. **Flags.** Customized graphic flags that convey a message through the use of a pictorial or graphic image and which complement the building design are permitted. Customized flags should be mounted on a decorative bracket attached perpendicular to the building face. Maximum size shall not exceed six (6) feet by ten (10) feet, and the lowest point of the flag must be at least eight (8) feet above the surface of any sidewalk or pedestrian way.

b. **Trompe l'oeil.** Life-size trompe l'oeil art painted on the wall surface of a building may be permitted in addition to the signs allowed in the downtown precise plan area. Such proposed art shall be reviewed at the zoning administrator design review level to ensure that it does not constitute a sign otherwise allowed or prohibited by this article and to ensure the art complements the design of the building in color, shape and location on the building.

c. **Menu holders.** A menu holder is permitted on the exterior storefront of a restaurant. The menu holder shall be limited to the size of two (2) pages of the menu utilized by the establishment. The menu holder shall be located so that it does not impede pedestrians on the public sidewalk. The menu holder shall not be used for additional business identification signage and lettering shall not exceed one (1) inch in height.

d. **Off-site signs.** Off-site directional signs painted on buildings at the alley intersections to direct pedestrians to businesses down side-streets and/or alleys are permitted with the permission of the building owner. Signs shall be professionally designed and constructed and must complement the color and materials of the building on which they are painted.

e. **Sidewalk café signage.** In accordance with the sidewalk café guidelines, a sidewalk café may be permitted signs on the café umbrella(s) in addition to the main occupancy frontage signs. Said sign(s) shall be limited to the name of the café business in maximum six (6) inch letter height, and a business logo not to exceed one (1) square foot in area. No generic advertising, such as a product name, shall be permitted. The total signage on an umbrella shall not exceed ten (10) percent of the area of the umbrella. Any such signs must be as approved in the sidewalk café license.

SEC. 36.36.90. Temporary signs.

a. **Opening banners.** In addition to the provisions of Sec. 36.36.15.h, professionally designed and constructed banners advertising a new business opening are permitted for a maximum of thirty (30) days. Said banner(s) shall be dated on the sign and shall be removed within thirty (30) days of the posted date.

b. **Community interest sign, private property.** A single designated area not exceeding six (6) square feet of a single window of an occupancy may be approved to allow display of a maximum of two (2), ancillary, temporary, professionally prepared posters announcing an event of general public interest in addition to any permanent signs allowed. Said posters shall not require individual city approval, but shall be dated on the sign and shall be removed within thirty (30) days of the posted date or upon conclusion of the event, whichever occurs first.

c. **Construction sign.** No more than one (1) temporary sign, advertising the various construction trades participating in the project is permitted. On a site less than one (1) acre, the sign shall not exceed thirty-two (32) square feet in sign area or six (6) feet in height. On a parcel of land of one (1) acre or more, the sign shall not exceed fifty (50) square feet in sign area or ten (10) feet in height. The sign shall not extend beyond the subject property nor interfere with any traffic safety visibility area of the parcel. The sign shall be unlighted. The sign may remain on the property until the last unit is sold, rented or leased or for one (1) year, whichever period is less; provided, however, that the zoning administrator shall have the authority to extend the time period for one (1) additional year.

d. **Real estate signs.** No more than one (1) real estate sign per occupancy frontage shall be permitted until a project or tenant space is leased or sold. Maximum sign area per sign shall be nine (9) square feet. Said sign shall be located flat against the building wall or within a window, and shall not project above the eave line. Signs shall be unlighted. Vacant lots may mount the sign on a freestanding monument, located outside of any sight visibility area and so no portion of the sign extends across the property line.

SEC. 36.36.95. Prohibited signs.

In addition to the signs prohibited in Sec. 36.36.20, within the area covered by the downtown precise plan, rooftop signs, cabinet signs, readerboards, banners (except for approved grand opening and civic event signs), balloons, flashing signs, bill-boards, "A"-frame signs, plastic flags, white-/chalk-/black-boards are all prohibited.

Figure 36.36-1
SIGN TYPES, SIGN AREA
(For Reference Only)

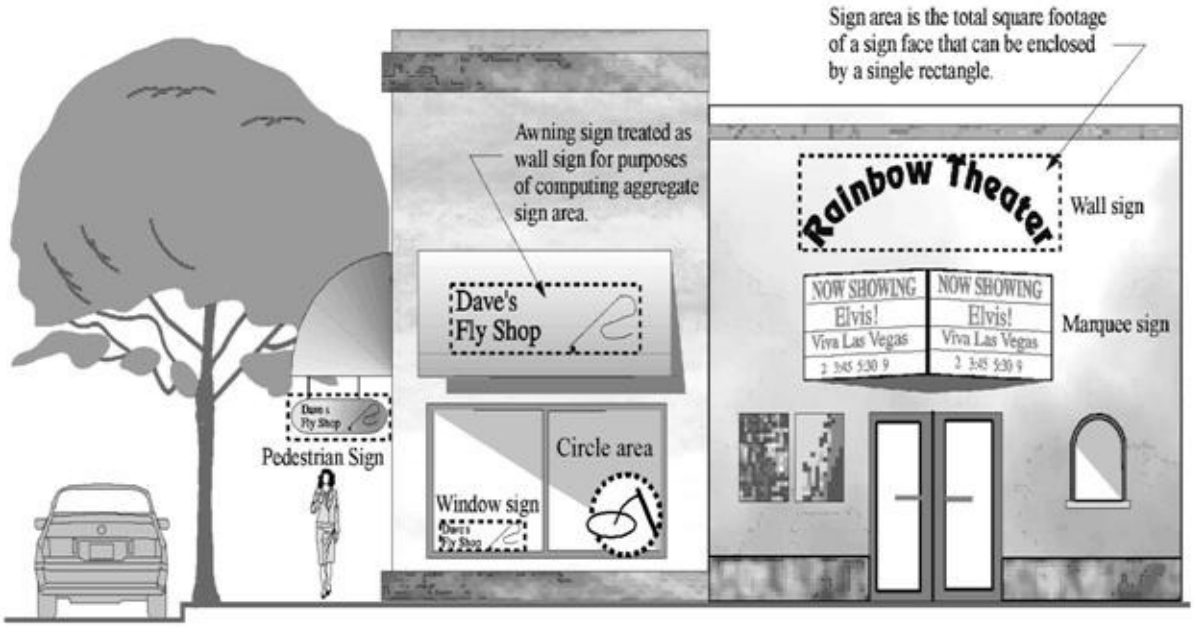
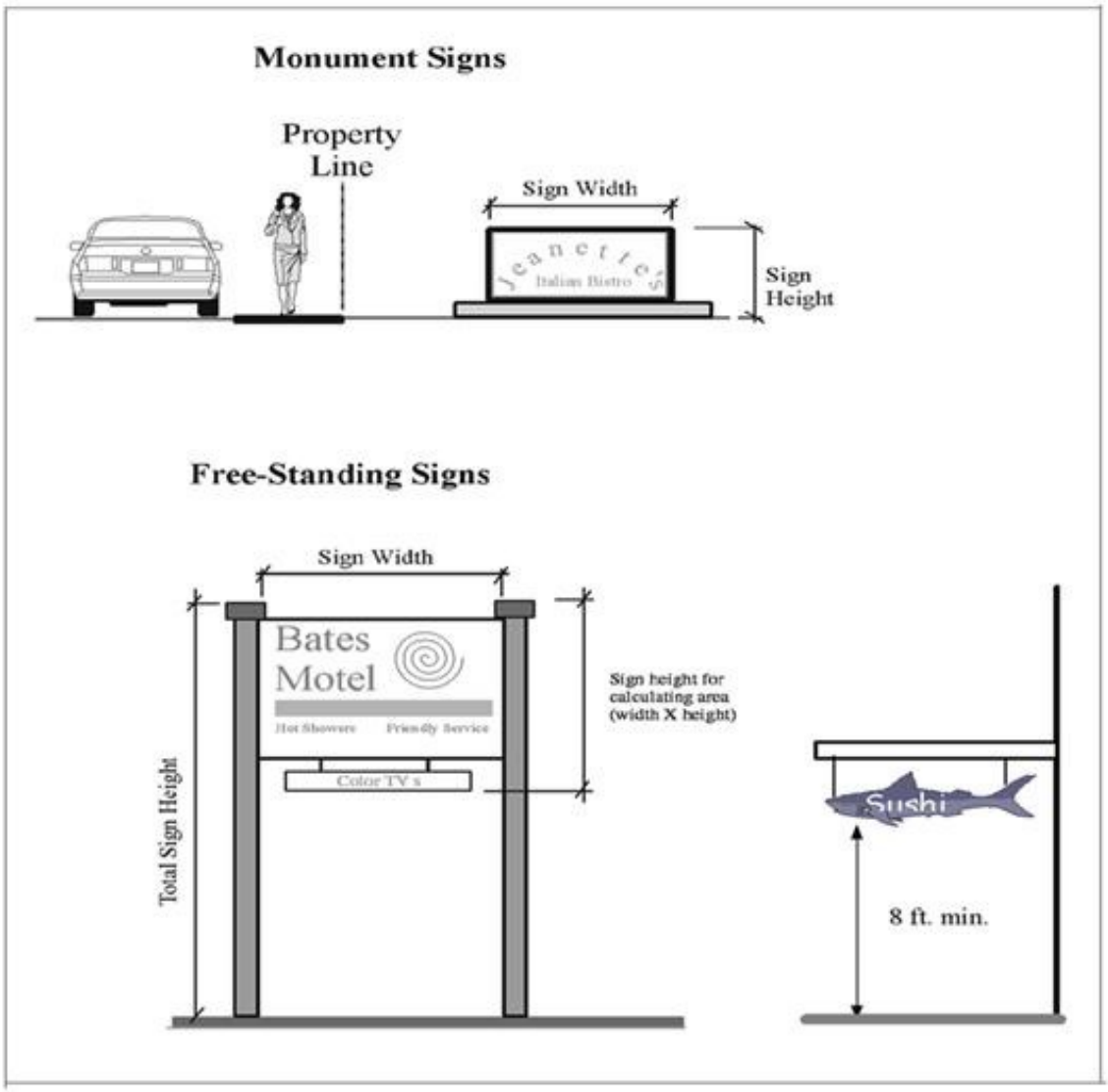


Figure 36.36-2
MEASUREMENT OF SIGN HEIGHT
(For Reference Only)



ARTICLE XIII. TENANT RELOCATION ASSISTANCE.

SEC. 36.38. Statement of purpose.

The purpose of this article is to help mitigate the adverse health, safety and economic impacts experienced by very low-income residents of rental housing who are displaced from their residences due to a demolition of a rental unit, a remodel or redevelopment of a rental unit, a conversion of a residential unit to a condominium unit or a change of use of real property from a residential use to a nonresidential use by requiring the property owner to provide these residents with advance notice of such actions and mitigate the impact on these residents consistent with this article.

SEC. 36.38.05. Definitions.

a. **Application.** Any application required to be submitted to the city for discretionary or ministerial approval of a land use change or improvement of real property that will result in a permanent displacement of a residential household. For notice and eligibility purposes, application refers to the permit approval by city council, or the last permit approval if city council approval is not required.

b. **Displacement.** The vacating of four (4) or more rental units by residential households upon notice from the landlord as the result of or to enable any of the following:

1. The demolition of any rental unit on the lot;

2. The remodeling or renovation of any structure on the lot in a manner that requires a permit from the city and results in the permanent displacement of tenants;

3. The conversion of rental units to condominium units;

4. A change of use of real property from a residential use to a nonresidential use that requires a permit from the city; or

5. The change from rental to ownership units where the units were rented out for a period of time after being approved for sale.

6. For the purposes of this article, a displacement does not include a vacation of a rental unit as the result of the following:

(a) A conversion of any portion of a mobile home park regulated and processed pursuant to Chapter 28 of this code;

(b) A landlord's compliance with an enforcement order of the city chief building official for which the property owner has been ordered to pay relocation expenses pursuant to Health and Safety Code §1798.7 or any other state or federal law;

(c) A vacation of a rental unit resulting from the damage or destruction of the unit which is caused by a fire or natural disaster; or

(d) Temporary displacement due to remodeling or renovations where tenants have been provided with alternative housing on site or nearby.

c. **Eligible residential household.** A residential household occupying a rental unit at the time an application is approved by the city provided the annual household income does not exceed fifty (50) percent of the median household income for Santa Clara County as adjusted for household size according to the United States Department of Housing and Urban Development. The presumption specified in the preceding sentence shall not apply where the applicant provides evidence of any of the following:

1. The residential household's occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Civil Code §1945; or

2. The residential household has not paid rent as required by the rental agreement or was found to have committed an unlawful detainer pursuant to Subdivisions 2, 3, 4 or 5 of §1161 of the Code of Civil Procedure as evidenced by a final judgment of a court of competent jurisdiction; or

3. The residential household received written notice, prior to entering into a written or oral agreement to become a tenant, that an application to convert their rental unit to another use was on file with the city or had already been approved and would result in their displacement.

d. **Landlord.** An owner, lessor or sublessor of property (including any person, firm, corporation or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

e. **Rental unit.** A unit in a multiple-family rental development used as a place of permanent or customary and usual abode of a residential household. Multiple-family rental development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for two (2) or more residential households living independently of each other. Multiple-family rental development includes duplexes, triplexes and fourplexes (buildings under one (1) ownership with two (2), three (3) or four (4) dwelling units in the same building) and apartments (with five (5) or more units in a building or group of buildings). A rental unit shall not include:

1. A room or any other portion of any residential unit which is occupied by the landlord or a member of the landlord's immediate family.

2. A single-family dwelling, except where more than two (2) dwelling units are located on one (1) lot.

3. A mobile home.

4. Housing accommodation in hotels, motels, inns, tourist homes and boarding or lodging houses.

5. A unit in a common-interest development where units are owned by different individuals who share ownership of common areas and facilities.

f. **Residential household.** Any person or group of persons entitled to occupy a rental unit under a valid lease or rental agreement (written or oral), including all persons who are considered residents under the civil code.

g. **Special-circumstances households.** An eligible residential household with any of the following characteristics:

1. At least one (1) member is sixty-two (62) years of age or older;

2. At least one (1) member qualifies as disabled as defined by Title 42, United States Code, No. 423 or handicapped as defined by California Health and Safety Code §50072; or

3. Is a household with one (1) or more minor children (under eighteen (18) years of age) who are legally dependent (as determined for federal income tax purposes).

h. **Tenant.** A tenant, subtenant, lessee, sublessee or any other person entitled to use or occupancy of a rental unit under a valid lease or rental agreement (written or oral).

SEC. 36.38.10. Requirement to provide relocation assistance.

A landlord shall pay relocation assistance in accordance with the provisions of this article when the landlord causes the permanent displacement of eligible residential households when the landlord terminates a tenancy for any of the following reasons:

a. The landlord seeks to withdraw all rental housing units from the rental housing market as provided in Government Code §7060, et seq.

b. The landlord seeks to recover possession to demolish or otherwise remove a residential rental housing unit from residential rental housing use after having obtained all proper permits from the city, if any such permits are required.

c. The landlord seeks the conversion of a building into a condominium, community apartment or stock cooperative, as those terms are defined in California Government Code and Business and Professions Code.

d. The landlord seeks to recover possession to renovate and rehabilitate the unit(s) resulting in permanent displacement of tenants and the project requires discretionary or ministerial permits from the city.

SEC. 36.38.15. Relocation assistance.

The landlord shall provide relocation assistance, where required by Sec. 36.38.10, to eligible residential households in accordance with the following requirements:

a. A full refund of a tenant's security deposit, except for funds that may be necessary to repair tenant's damage to property in units that will be reoccupied prior to undergoing renovation or demolition.

b. A sixty (60) day subscription to a rental agency.

c. The cash equivalent of two (2) months' rent, based on the monthly rent for that unit, shall be paid to the eligible household renting a unit.

d. Special-circumstances households will be paid an additional two thousand dollars ($2,000) per rental unit, and this figure will be adjusted annually for inflation based on the Consumer Price Index for the San Francisco Bay Area.

SEC. 36.38.20. Procedures for assistance payment.

a. **Third-party processing.** The landlord shall engage a nonprofit, social service agency and/or other third party, identified in the project application and approved by the city, to assist with the relocation assistance process. This agency shall provide bilingual assistance, as necessary, and hold an informational meeting with tenants, respond to questions, verify current household incomes, disperse checks to eligible households and provide an accounting of dispersed funds to the landlord and city. The landlord shall open an escrow account and deposit relocation assistance funds into that account to be used by the third-party agency for relocation assistance payments. The amount of the deposit shall be determined by the community development department and unused funds shall be returned to the landlord after all relocation assistance has been paid as verified by the third-party agency.

b. **Relocation assistance applications.** Tenants requesting relocation assistance must complete an application and provide the necessary information to the third-party agency who will determine their eligibility for relocation assistance.

Tenants must file an application before the date to vacate as stated on the notice of termination in order to be eligible for relocation assistance payments.

c. **Verification of payment.** Prior to issuance of demolition permits, building permits or other city permits that would result in the removal of a rental unit in a multiple-family rental development subject to this article, the city must receive verification from the third-party agency that all eligible residential households who applied and qualified for assistance have received relocation assistance. This verification shall be submitted in a form acceptable to the city.

SEC. 36.38.25. Notice to displaced tenants.

a. **Notice of termination.** Landlord shall provide a written notice of termination to all tenants subject to displacement from a multiple-family rental development at least ninety (90) days prior to the date a tenant must vacate the unit. The date to vacate shall not be prior to the landlord's application approval, unless approved by the community development director and relocation assistance has been paid to the tenant.

b. **Notice of intent.** Within thirty (30) days after filling an application, either the landlord or the landlord's agent shall notify each residential household residing on the subject real property that the landlord has filed an application with the city. The notice shall be sent by regular and certified mail and posted on the door of each rental unit. Evidence of compliance with this section must be submitted to the city in order for the application to be deemed complete. The landlord shall use a notice of intent form provided by the city that shall contain the following information:

1. The name and address of the current owner and the proposed applicant;

2. A description of the application(s) being filed and a general time frame for the project approval;

3. An explanation of the relocation assistance available to eligible residential households and special-circumstances households, information on eligible residential household incomes and the procedure for submitting applications for relocation assistance;

4. Contact information for the third-party agency that will be assisting with the relocation assistance process. This contact information and a brief explanation of the purpose of the notice shall be translated into non-English languages as provided by the city;

5. The residential household's right to receive written notice for each hearing and right to appear and be heard at land use hearing, if applicable; and

6. Other information deemed necessary or desirable by the community development department.

c. **Notice of intent verification.** The landlord or agent of the landlord shall submit to the city a duplicate copy of the notice of intent form given to each residential household and a declaration indicating that each notice was sent by regular and certified mail and posted on the door of the rental unit.

SEC. 36.38.30. Submittal requirements.

a. Concurrent with the filing of an application, either the landlord or the landlord's agent shall provide the community development department with the address number of each unit in the multiple-family rental development, the monthly rents for those units and the names of every member of the residential household who is a signatory on a written lease or rental agreement for that unit, the household income as shown on the lease or rental agreement and the number of household members included on the lease or rental agreement. Where there is no written lease or rental agreement, provide the name of every person the landlord considers to be a resident under an oral lease or rental agreement.

SEC. 36.38.35. Alternate mitigation.

a. All applications governed by this section shall be required to submit the required information; however, the applicant may also submit an alternate mitigation strategy that meets the goals of this section. An alternate strategy may include, but shall not be limited to, providing other mitigation and concessions to tenants such as ongoing rent concessions or suitable notice and other elements of mitigation that would serve the goals and purposes of this article. With each such alternate submission, the applicant shall provide complete information as determined necessary by the community development director. Alternate mitigation proposals must be approved by the city council.

b. A landlord who is withdrawing residential rental units pursuant to Government Code §7060, et seq. may elect to comply with the notice provisions of Government Code §7060.4.

c. Landlord's temporary withdrawal of residential rental units from the market pursuant to Sec. 36.38.10.d shall not be subject to this article for any units where, in the opinion of the community development director, the landlord has offered suitable temporary replacement housing accommodations and compensation.

SEC. 36.38.40. Administrative regulations.

The community development director may, from time to time, promulgate regulations implementing the provisions of this article, violations of which shall be considered a violation of this section.

SEC. 36.38.45. Mitigation not exclusive.

Nothing in this section shall be interpreted to interfere with the city's ability and/or obligation to require relocation assistance for displaced tenants who are not covered by this article.

ARTICLE XIV. AFFORDABLE HOUSING PROGRAM.

DIVISION 1. GENERAL.

SEC. 36.40. Council findings.

Housing prices and rents have increased at a significantly higher rate than general wages. The lack of affordable housing in Mountain View forces many residents to pay a very high percentage of their income for housing or to commute considerable distances, adding to air pollution and traffic congestion in Mountain View and adjacent communities. The lack of affordable housing has made it more difficult to recruit workers from out of the area, in general, especially workers in lower-paying jobs, potentially affecting the economic vitality of the community; and

New housing developments do not, to any appreciable extent, provide housing affordable to low- and moderate-income households, and continued new development which does not include housing for low- and moderate-income households will serve to further aggravate the current shortage of affordable housing by reducing the small remaining supply of undeveloped land. Following a nexus analysis to evaluate the impact of new commercial and industrial development on the existing housing shortage, the council has determined that such new development generates an increased demand for affordable housing which must be mitigated. Further, the council finds that the below-market-rate program and the housing impact fee program are a necessary part of the city's efforts to meet the regional housing needs of the Bay Area as required by state law.

The housing element of the general plan includes a goal to provide housing opportunities for people of all economic levels (Goal E); a policy supporting the development of reasonably priced housing (Policy 13); and Action 13.b, which calls for implementation of a below-market-rate (BMR) program in which new housing

developments over a certain size provide at least ten (10) percent of the units to low- and moderate-income households. Policy 8 and Action 8.a state that the city should review commercial and industrial developments to determine whether they create a demand for housing and to mitigate the effect of such development on housing. This mitigation is identified as a "linkage" or housing impact fee.

The below-market-rate housing program and the housing impact fee program will balance the needs of the city and the goals of our general plan while having a minimum impact on the investment interests of the landowners and developers. The program is required by the public necessity and general welfare, and promotes the orderly development of the city.

SEC. 36.40.05. Definitions.

For purposes of this article only, the following definitions shall be used in the interpretation and construction of this article.

a. "Addition" shall mean an extension or increase in floor area of an existing nonresidential development project subject to this section.

b. "Affordable housing" means housing which costs a very low-, low- or moderate income household no more than approximately thirty (30) percent of its gross monthly income. Costs included in the calculation of income for ownership housing are monthly mortgage principal and interest payments, homeowners' insurance, property taxes and homeowner association fees, where applicable. Costs included in the calculation of income allocated to rental housing are monthly rent.

c. "Below-market-rate (BMR) unit" means an ownership or rental unit under this program which is affordable to households with low or moderate incomes as defined in this chapter.

d. "Density bonus" means an entitlement to build additional residential units above the maximum number of units permitted by the applicable zoning designation or precise plan.

e. "Existing floor area" means legally existing gross floor area at the time of application for a zoning permit or legally existing floor area that was demolished not more than one (1) year prior to the filing of the application for a zoning permit.

f. "Gross floor area" means the floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.

g. "Gross household income" means the household income of all adult members of the household:

1. "Moderate-income household" means a household whose gross income is between eighty (80) percent and one hundred (100) percent of the median household income, adjusted for size, for Santa Clara County as published periodically by the State Department of Housing and Community Development.

2. "Low-income household" means a household whose gross income is between fifty (50) percent and eighty (80) percent of the median household income, adjusted for size, for Santa Clara County as published periodically by the State Department of Housing and Community Development.

3. "Very low-income household" means a household whose gross income is less than fifty (50) percent of the median household income, adjusted for size, for Santa Clara County as published periodically by the State Department of Housing and Community Development.

4. If the indexes referenced in this section, or successor indexes, are no longer published by the State Department of Housing and Community Development, then a successor index shall be selected by the city manager. In selecting the successor index, the city manager shall choose an index published by a federal, state or county agency that most closely corresponds with the previous index.

h. "Housing fund" means the City of Mountain View housing fund established pursuant to Sec. 36.40.30.

i. "Housing impact fee" means the fee established pursuant to Sec. 36.40.55 for nonresidential development projects.

j. "In-lieu fee" means a fee paid by a developer into the city's housing fund in place of providing the required below-market-rate units.

k. "Market-rate unit" means a housing unit or the legal lot for such unit offered on the open market at the prevailing market rate for purchase or rental.

l. "Mixed projects" shall mean projects containing both rental units and for sale units.

m. "Nonresidential development project" means the construction, addition or placement of a structure used for any commercial or industrial purpose as defined in Chapter 36 of the City Code and shall include the nonresidential portion of the gross floor area in a combined or mixed-use project.

n. "Resale controls" mean legal restrictions by which the price of below-market-rate units and the eligibility of purchasers or renters shall be restricted to ensure that the unit remains affordable to moderate-income households.

o. "Residential development" includes, without limitation, detached single-family dwellings, duplexes, multiple-family dwelling structures, condominium or townhouse developments, condominium conversions and land subdivisions intended to be sold or rented to the general public.

p. "Zoning permit" means any of the several discretionary permits described in Chapter 36 of the City Code authorizing land uses, development, construction or alteration of uses or buildings within a zoning district.

DIVISION 2. RESIDENTIAL DEVELOPMENT: BELOW-MARKET-RATE HOUSING PROGRAM.

SEC. 36.40.10. General requirements.

a. **Percentage requirement.** All residential developments subject to the below-market-rate (BMR) program requirements shall provide at least ten (10) percent of the total number of dwelling units or parcels within the development as BMR units or pay a fee in lieu thereof, according to the terms of this article.

b. **Size of project.** The BMR requirement shall apply to new or converted residential developments with three (3) or more ownership units; five (5) or more rental units; or mixed projects of six (6) or more residential units.

c. **In-lieu fees for fractions of units.** If the calculation of BMR units results in a fraction of a unit, either an in-lieu fee shall be paid to the city's housing fund or the development shall provide an additional unit to satisfy the requirement. The in-lieu fee shall be based on a formula that considers the difference between the price of market-rate units and the price of below-market-rate units as specified in the BMR administrative guidelines.

d. **Developments with nine (9) or fewer units.** For residential developments with nine (9) or fewer units, the developer may elect to either pay an in-lieu fee or provide a BMR unit.

e. **Concurrent development.** All BMR units in a residential development and phases of a development shall be constructed concurrently with or prior to the construction of market-rate units.

f. **Location and design of BMR units.** All BMR units shall be reasonably dispersed throughout the project and shall contain, on average, the same number of bedrooms and shall be comparable to the design of the market-rate units in terms of appearance, materials, and finished quality of the market-rate units in the project. There shall not be significant identifiable differences between BMR and market-rate dwelling units which are visible from the exterior of the dwelling units and the size and design of the dwelling units shall be reasonably consistent with the market-rate units in the development. BMR units shall have the same access to project amenities and recreational facilities as market-rate units.

g. **Targeted households.** All BMR rental units shall be rented only to qualified low-income households, and all BMR ownership units shall be sold only to qualified moderate-income households pursuant to procedures and guidelines established by the city.

h. **Term.** BMR units shall be maintained as affordable housing for a period of at least fifty-five (55) years.

i. **No density bonus.** Compliance with the provisions of this article does not entitle a residential development to a density bonus.

j. **Administrative guidelines.** The city shall adopt, by resolution, BMR administrative guidelines necessary for the implementation of the provisions of this article.

k. **Administration.** The BMR program shall be administered by the community development department or its designee.

SEC. 36.40.15. Resale controls on ownership units.

In order to maintain the availability of the housing units constructed pursuant to the requirements of this article during the term of the BMR limitation, the following resale controls shall apply to units sold by the original purchaser and all subsequent purchasers:

a. The price received by the seller of a BMR unit shall be limited to the lesser of:

1. The original purchase price increased by an amount equal to one-third (1/3) of any cumulative increase in the Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area since the date of the previous sale, with adjustments for any substantial capital improvement expenditures or loss in value due to deterioration resulting from deferred maintenance or specific damage; or

2. An amount equal to a price affordable to a household earning one hundred (100) percent of median income; or

3. The appraised value.

b. BMR units offered for sale or sold pursuant to the requirements of this article by the original purchaser and all subsequent purchasers shall be offered for sale first to the city or its designee. The city or its designee may assign its right to an individual private buyer who meets the eligibility criteria for BMR units.

c. The BMR units shall be sold and resold from the date of the original sale only to persons determined to be eligible for BMR units according to the terms of this article.

d. The owners of any BMR unit shall incorporate as a part of the grant deed conveying title of any such BMR unit a declaration of restrictions, stating each of the resale controls imposed pursuant to this article, subject to the approval of the city attorney. The city attorney may also require a separate notice of below-market-rate resale controls and restrictions, or other notice document, subject to the city attorney's approval, to be recorded against any BMR dwelling unit subject to this article. The grant deed and any other recorded documents as required by the city attorney pursuant to this article shall afford the grantor, grantee and/or the city the right to enforce said resale controls.

e. For the first resale after the fifty-five (55) year term, a BMR ownership unit may be sold as a market-rate unit, but the difference between the BMR and market-rate unit prices must be deposited in the city's housing fund. After the fifty-five (55) year term, a purchaser of the unit who pays market rate shall not be subject to the provisions of this article.

SEC. 36.40.20. Determination of rents for rental units.

The monthly rental rate for each BMR unit shall be within the range of fifty (50) percent to eighty (80) percent of county median income and be based on no more than thirty (30) percent of the qualifying tenant's gross monthly income, according to the procedures set forth in the BMR Housing Program Guidelines. The rent range of fifty (50) percent to eighty (80) percent of county median income may be adjusted annually to reflect adjustments in the median household income published periodically by the state department of housing and community development for Santa Clara County.

SEC. 36.40.25. Eligibility requirements.

a. The city or its designee shall select potential occupants of BMR units from a list of those persons qualified on the basis of household income, relationship between household size and the size of available units, and further criteria and procedures to be established by the city in the BMR administrative guidelines.

b. Each purchaser of a BMR dwelling unit shall certify, prior to close of escrow, in a form acceptable to the city or its designee, that said unit is being purchased and shall be maintained as the purchaser's primary place of residence.

c. The household income of each renter of a BMR unit shall be verified annually by the city or its designee to confirm the household's continued eligibility for the unit.

DIVISION 3. COMMERCIAL AND INDUSTRIAL DEVELOPMENT: HOUSING IMPACT FEE PROGRAM.

SEC. 36.40.30. Housing fund.

A housing fund is hereby established for the deposit of all in-lieu fees and other penalties and payments made to the city under the BMR program. The purpose of the fund is to assist in providing housing that is affordable to very low, low- and moderate-income households and cover administrative costs of the BMR program.

SEC. 36.40.35. Enforcement.

a. The provisions of this article shall apply to all agents, successors and assigns of an applicant proposing or constructing a residential development governed by this article. No zoning permit, tentative subdivision map or occupancy permit shall be issued for a residential development after March 15, 1999 unless it is in compliance with the terms of this article.

b. The city may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including, but not limited to, actions to revoke, deny or suspend any permit or development approval. The city shall be entitled to costs and expenses for enforcement of the provisions of this article, or any agreement pursuant thereto, as awarded by the court, including reasonable attorneys' fees.

c. Any individual who sells or rents a restricted unit in violation of the provisions of this article shall be required to forfeit all monetary amounts so obtained in

excess of the allowed resale price as set forth in Sec. 36.40.15 or rental rates as set forth in Sec. 36.40.20. Such amounts shall be added to the city's housing fund.

SEC. 36.40.40. Exemptions and appeals.

a. **Exemptions—Historic resources.** Exemptions from, or credit toward, BMR requirements may be granted for certain historic resources pursuant to Sec. 36.54.45.

b. **Appeals.** Appeals of a BMR condition in a zoning permit or parcel or subdivision map shall be made to the community development director or designee.

c. **Filing.** All such appeals shall be submitted in writing and shall specifically state the pertinent facts of the case and the basis of the appeal. An appeal of the BMR condition shall be filed within ten (10) calendar days of the notice of decision.

d. **Appeal hearing.** The community development director or designee shall hold a public hearing to consider any appeals in accordance with the procedures of Sec. 36.56.

e. **Appeal of decision.** Appeals of the decision of the community development director or designee on the appeal of a BMR condition may be made to the city council. An action of the community development director appealed to the city council shall not become final unless and until upheld by the city council.

f. **Criteria.** The community development director or designee and the city council may grant an appeal of the BMR condition based upon a showing that applying the BMR program requirements would result in an unconstitutional taking of property or would result in any other unconstitutional result. The appeal may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings and based on legal analysis provided by the city attorney.

g. **Applicability.** This provision shall not apply to any residential projects for which a building permit has been issued prior to the effective date of this ordinance.

SEC. 36.40.45. Grandfather provision.

The following residential projects shall be exempt from the provisions of this article:

a. Projects for which a valid zoning permit has been issued and is in effect as of March 15, 1999; or

b. Projects for which an official zoning permit application, consisting of all required and supplemental materials, has been submitted to and accepted by the community development department by March 15, 1999.

SEC. 36.40.50. Housing fund.

a. **Housing fund.** Housing impact fees shall be deposited in the City of Mountain View housing fund. The city finance and administrative services director shall maintain the funds in a subaccount separate from other funds in the Mountain View housing fund account.

b. **Administration.** The housing fund shall be administered by the community development director, who shall have the authority to govern the housing fund consistent with this chapter, and to prescribe procedures for said purpose, subject to approval by the council.

c. **Purposes and use of funds.**

1. Moneys deposited in the housing fund, along with any interest earnings on such moneys, shall be used solely to increase and improve the supply of housing affordable to households of very low, low and moderate income; including, but not limited to, acquisition of property and property rights; cost of construction, including costs associated with planning, administration and design, as well as actual building or installation, as well as any other costs associated with the construction or financing of affordable housing; and reimbursement to the city for such costs if funds were advanced by the city from other sources. To the maximum extent possible, all moneys should be used to provide for additional affordable housing and services. Moneys may also be used to cover administrative expenses not reimbursed through processing fees, including consultant and legal expenses related to the establishment and/or administration of the housing fund. No portion of the housing fund may be diverted to other purposes by way of loan or otherwise.

2. Moneys in the housing fund shall be used to construct, acquire, rehabilitate or subsidize very low-, low- and moderate-income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation and reimbursement of city-advanced funds. Moneys in the housing fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the community development director and city council determine is appropriate to accomplish the purposes of the housing fund. The housing fund moneys may be extended for the benefit of rental or owner-occupied housing or housing services.

3. Expenditures by the community development director from the housing fund shall be controlled, authorized and paid in accordance with general city budgetary policies. Execution of contracts related to the use or administration of housing fund moneys shall be in accordance with standard council policy.

4. Construction projects assisted with housing impact fee funds shall comply with the prevailing wage requirements of the Federal Community Development Block Grant (CDBG) Program or the HOME Investment Partnership (HOME) Program or successor programs. If the project is not assisted with CDBG or HOME program funds, state prevailing wages shall apply.

SEC. 36.40.55. Fee; Calculation of fee; Alternative to payment of fee; Adjustment and waivers; Exemptions.

a. **Housing impact fee.** A housing impact fee is hereby imposed on all developers of nonresidential projects that involve the construction of new floor area, except as otherwise set forth herein.

b. **Calculation of housing impact fee.**

1. The housing impact fee for nonresidential development projects shall be charged on a per-square-foot basis for all net new gross floor area, including all additions where floor area is increased, with a specific per-square-foot amount set for each nonresidential land use category and amount of floor area identified in Table 36.40-1 below. The amount of the fee shall be computed as follows: (Gross Square Feet Nonresidential Floor Area Minus Existing Floor Area) X (Applicable Fee as listed in Table 36.40-1) = Housing Impact Payment.

2. The amount of each such fee shall be established by resolution of the city council and shall be adjusted annually as a part of the city's annual budget process by the percentage change in the Consumer Price Index for the San Francisco-Oakland-San Jose area for the previous year.

3. In calculating the fee, the chief building official shall use those fees in effect by resolution of the city council at the time of the issuance of the building permit or, if no building permit is required, at the time of issuance of a use or other discretionary permit.

4. The community development director shall determine the appropriate land use category as set forth in Table 1 below for each new nonresidential development project.

TABLE 36.40-1
HOUSING IMPACT FEE REQUIREMENTS

Land Use Category	Fifty Percent (50%) of Full Fee	Full Fee
Office/High Tech/Industrial	New gross floor area between 1 and 10,000 square feet	New gross floor area that exceeds 10,000 square feet
Commercial/Retail/ Entertainment	New gross floor area between 1 and 25,000 square feet	New gross floor area that exceeds 25,000 square feet
Hotel	New gross floor area between 1 and 25,000 square feet	New gross floor area that exceeds 25,000 square feet

c. **Alternative to payment of a housing impact fee.** As an alternative to payment of the housing impact fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land or provision of other resources. Such requests may be granted in the sole discretion of the city council, if the city council determines that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the housing impact fee.

d. **Adjustment, reduction or waiver.** An adjustment, reduction or waiver of the fees required by this section may be granted by the city council for nonresidential development projects under the following circumstances:

1. Upon the remodeling of a building to add square footage, the appropriate housing impact fee shall be paid only on the additional square footage.

2. If the nonresidential development project is in whole or part a replacement for space previously on the site, but vacated or demolished in the twelve (12) months prior to the filing of the application for a zoning permit for the new construction or remodel, credit shall be given for the space vacated or demolished or to be vacated or demolished at the rate applicable to the prior use of that space.

3. If the nonresidential development project is constructed for a specific use involving no employees or fewer than one (1) employee per two thousand (2,000) square feet of gross floor area, the project may be eligible for a waiver of the fees. To be eligible for a waiver, the building must be designed and built such that it cannot be converted to a use capable of housing a larger number of employees except by major reconstruction. The burden of proof shall be on the applicant. If a waiver is granted, a "Notice of Conditional Waiver of Housing Impact Fee" shall be recorded in the Santa Clara County Office of the Recorder. If a subsequent change in the use or structure of the building occurs which involves additional employees, the waiver granted herein shall be deemed revoked, subject to a hearing before the zoning administrator, who

shall make a recommendation on the revocation to the city council. The decision of the city council shall be final.

4. If, upon evaluation of facts presented by the applicant, there is an absence of any reasonable relationship or nexus between the impact of the development and the need for housing, the project shall be eligible for a waiver of the fees.

e. **Exemptions.** This fee shall not apply to developers of nonresidential projects which fall within one or more of the following categories:

1. Buildings which are owned and at least seventy-five (75) percent occupied by governmental or nonprofit agencies and organizations.

2. Any building which is damaged or destroyed by fire or natural catastrophes so long as the total square footage of the repaired or replaced building remains the same.

f. **Grandfather provision.** The following nonresidential projects shall be exempt from the provisions of this article:

1. Projects for which a complete application has been submitted by December 11, 2001 and final approval for a valid zoning permit has been issued and is in effect as of March 9, 2002; or

2. Projects for which a complete application has been submitted by December 11, 2001 and final approval for a valid zoning permit has been issued and is in effect as of March 9, 2002, and which are subsequently the subject of a revised application except that any increase in the amount of originally approved floor area shall be subject to the provisions of this article.

SEC. 36.40.60. Processing requirements.

a. **Filing requirements.** The zoning administrator shall develop administrative guidelines for processing applications subject to the requirements of this section.

b. **Payment of fee.** Unless otherwise mandated and preempted by state law, the housing impact fee shall be paid prior to the issuance of the first grading or building permit.

SEC. 36.40.65. Enforcement.

a. Payment of the housing impact fee is the joint and several obligation of the applicant and/or the property owner for the subject nonresidential development project. In the event of administrative error, the city shall provide the applicant with a written notice and the applicant shall be required to pay the fees within thirty (30) days.

b. The provisions of this article shall apply to all owners of the property, which is the subject of the application, and developers, agents, successors and assigns of an applicant proposing or constructing a nonresidential development governed by this article. No zoning permit shall be issued for a nonresidential development after March 9, 2002, unless it is in compliance with the terms of this article.

c. The city may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including, but not limited to, actions to revoke, deny or suspend any permit or development approval. The city shall be entitled to costs and expenses for enforcement of the provisions of article, or any agreement pursuant thereto, as awarded by the court, including reasonable attorneys' fees.

SEC. 36.40.70. Appeals.

Appeals of a housing impact fee condition in a zoning permit or parcel or subdivision map shall be filed with the clerk of the city council within ten (10) calendar days of the notice of decision. The council shall hold a public hearing to consider any appeals in accordance with the procedures of Sec. 36.56. Appeals of any decision of the community development director pursuant to this program may be made to the city council in accordance with Sec. 36.56.

ARTICLE XV. SIDEWALK CAFÉS IN DOWNTOWN AREA.

SEC. 36.42. Purpose.

The City of Mountain View has a vision for a revitalized downtown which is active both for shopping as well as the center of the public life of the community, as expressed in the city's downtown precise plan. In order to achieve this environment consistent with the revitalization efforts and the precise plan, the city has undertaken substantial efforts to revitalize the area and has made numerous public improvements in the area in accordance with those plans. The city wishes to permit the operation of sidewalk cafés consistent with these efforts under such circumstances as would benefit the community. Many of these sidewalk cafés are conducted on city property, including sidewalks, the flexible zone, and parking areas along the downtown streets, including Castro Street. It is, therefore, necessary to promulgate these rules and

regulations to ensure that the public benefit is achieved with the least intrusion on pedestrians, vehicular movement and the merchants and inhabitants of the area.

SEC. 36.42.05. Definitions.

a. "Downtown area" shall mean the commercial districts of the downtown precise plan area of the city.

b. "Flexible zone" shall mean the area generally defined by the edge of the building face to the edge of the paved area next to the street. The "flexible zone" shall include the area which extends from the edge of the building face to the edge of the step curb (hereinafter referred to "Area 1" of the flexible zone) and the area which extends from the edge of the step curb to the edge of the paved area adjacent to the street (hereinafter referred to as "Area 2" of the flexible zone). This definition shall apply only in the downtown area of the city.

c. "Sidewalk café" shall mean an outdoor area set up and maintained in the flexible zone for the purpose of selling, offering for sale and serving food or beverages for immediate consumption on-site by an adjoining restaurant or other business which sells, offers for sale and serves food and/or beverages for immediate consumption. This definition shall apply only in the downtown area of the city.

d. "Sidewalk Café Guidelines" or "Guidelines" shall mean the Downtown Mountain View Sidewalk Café Guidelines, as adopted and amended by the city council.

SEC. 36.42.10. License required.

No person shall operate a sidewalk café as defined in this article without first obtaining a sidewalk café license from the zoning administrator pursuant to this article. As the owner of the property which is subject to the license, the City of Mountain View retains all rights as the property owner relative to proper operation of the cafés, permissible signage, etc.

SEC. 36.42.15. Procedure for obtaining sidewalk café license.

a. **Application.** Any person who wishes to operate a sidewalk café in the city shall apply for a sidewalk café license by submitting the following to the community development department:

1. A completed application;

2. A completed site plan showing the location of:

(a) Planters or wrought iron fencing, chairs, tables, umbrellas, signs and any other furnishings to be included in the café operation;

(b) The adjoining restaurant and proposed circulation to and from the outdoor café area, as well as pedestrian circulation through the flexible zone;

(c) A proposed sidewalk café area and the relationship between the café and adjacent businesses; and

(d) The location of any adjacent city planters, bus shelters, trash containers and kiosks;

3. Specifications for the design of wrought iron fencing, planters, tables and chairs, umbrellas and signs;

4. Maintenance and operations plans, including hours of operation;

5. A city hold-harmless and waiver executed by the applicant;

6. The applicant's city business license number;

7. The number of the applicant's resale license issued by the State Board of Equalization;

8. A statement signed by the applicant which provides that he/she will comply with all laws while conducting business in the city and will collect and remit sales tax on all sales made in the city;

9. The number of the applicant's permit to operate a food establishment obtained from the county health officer;

10. Insurance documents as required by this section; and

11. A copy of a written contract with a professional landscape maintenance company, contractor or gardener to maintain the landscaping within the sidewalk café area throughout the term of the license.

b. **Application process.** The sidewalk café permit shall be reviewed subject to Sec. 36.44.45 (Development Review). Final decisions on sidewalk café permits shall be based on the following findings:

1. The applicant has submitted all documents required by this code and the city's flexible zone guidelines;

2. The proposed layout, location and design of the sidewalk café is consistent with the character of the downtown area; and

3. The proposed sidewalk café will enhance the downtown area and benefit the community and will not pose a danger to the public health, safety or welfare. Written notice of the decision and findings of the zoning administrator shall be sent to the applicant by certified mail within thirty (30) days of the date of the hearing.

c. **Sidewalk café license is nontransferable/valid for up to one (1) year.** Notwithstanding any other provisions of this code, sidewalk café licenses are nontransferable and, unless revoked, shall remain valid for one (1) year from the date of their issuance.

d. **Renewal of sidewalk café licenses.** In order to continue operation of a sidewalk café beyond the term of the license, the owner/operator of the café shall submit a new application for a sidewalk café license to the community development department. The application shall be approved or denied according to the procedures set forth in Sec. 36.42.15. The zoning administrator may administratively allow sidewalk cafés, for which an application for renewal of a permit has been made, to remain in their previous sites, if the findings required by this section can be made.

SEC. 36.42.20. Fees and requirements.

a. **Application and license fees.** Applicants for sidewalk café licenses shall pay an application fee to cover the costs of processing a sidewalk café license application and a license fee, in the amounts established by resolution of the council.

b. **Insurance requirements.** Before receiving a sidewalk café license from the city, the applicant shall submit to the community development director a certificate of insurance showing that the applicant is covered by general liability insurance in the minimum amount of one million dollars ($1,000,000) as a combined single limit for personal injury (including death) and property damage, an endorsement naming the City of Mountain View, its council, boards, commissions, officers, employees, volunteers and agents as additional insureds, and a copy of the declaration or information page(s) for the policy. The general liability insurance must cover the property and the licensed area on which the sidewalk café will be located. If the

sidewalk café operator is required by law to have worker's compensation insurance, he/she shall also submit to the community development department for city approval a certificate of insurance showing coverage in at least statutorily required amount, along with a copy of the declarations or information page(s) for the policy prior to obtaining the sidewalk café license. All insurance documents and coverage must be approved by the city before the issuance of a sidewalk café license.

SEC. 36.42.25. Sidewalk café standards.

a. **Permissible locations for sidewalk café sites.** Upon receipt of a sidewalk café license, a sidewalk café operator may establish a sidewalk café in Areas 1 or 2 of the flexible zone in front of their restaurant. The -zoning administrator may permit the sidewalk café site to extend in front of an adjacent business in Area 1 of the flexible zone, if the café will not block the visibility of display windows or signage of the adjacent business. A sidewalk café may be located directly adjacent to another sidewalk café. However, in no case shall a sidewalk café be set up directly adjacent to parking, unless separated by a street tree.

b. **Minimum dimensions for sidewalk café sites.** The café operator shall maintain the following minimum dimensions for pedestrian access along the flexible zone:

1. Four (4) feet wide along Area 1 of the flexible zone;

2. Four (4) feet deep from the building entrance/exit;

3. Fifteen (15) radial feet from the corner intersections; and

4. Five (5) feet clear around city planters, bus shelters, trash containers and kiosks.

c. **Sidewalk café layouts.** The operator of the sidewalk café shall place planter boxes around the flexible zone adjacent to the street to visually define and secure the sidewalk café area. The sidewalk café operator shall furnish the café area with chairs, tables, umbrellas and signs which shall be secured in Area 2 of the flexible zone or remove when the café is not open. Café furniture shall not be secured to streetlights, trees or other street furniture.

d. **Maximum number of sidewalk café sites.** No more than thirty-two (32) spaces in Area 2 of the flexible zone along the entire length of Castro Street between Evelyn Avenue and El Camino Real may be occupied by sidewalk cafés and/or street vendors.

e. **Changes to flexible zone prohibited.** The operator of the sidewalk café shall not make any permanent changes to the flexible zone, such as bolting tables and chairs to the ground.

f. **Design of café furnishings, planters and signs/use of plants at café sites.**

1. **Furnishings.** The design, construction and placement of furnishings, signs, menu boards/chalk boards and planters used at sidewalk cafés shall conform to the criteria set forth in the city's flexible zone guidelines. Plants shall be potted with live plants or flowers at all times.

2. **Signs.** No signs shall be allowed or displayed except as approved with the license application and said signs must be set up in an approved location which will not cause a tripping hazard for pedestrians or customers.

3. **Café maintenance and operations.** Café operators shall maintain the site and adjacent area in a clean and safe condition at all times, and shall properly dispose of all trash and water generated by the café. Café operators shall maintain all furnishings, planters and signs in safe and good condition. Café operators shall comply with all applicable laws and local ordinances regarding the sale and service of food and beverages to the public.

g. **Compliance with standards required.** No person shall operate a sidewalk café in any location other than the site authorized by sidewalk café license issued by the city. In addition, no person shall operate a sidewalk café in violation of any of the above standards.

ARTICLE XVI. ZONING ORDINANCE ADMINISTRATION.

DIVISION 1. AUTHORITY FOR LAND USE AND ZONING DECISIONS.

SEC. 36.44. Authority for land use and zoning decisions.

SEC. 36.44.05. Purpose.

This section identifies the city official or body responsible for reviewing and making decisions on land use and development permits as well as amendments to precise plans, the general plan, the zoning map and this chapter.

SEC. 36.44.10. Review authority.

The following sections describe the duties and powers of city officials and administrative bodies responsible for acting on the land use permits and entitlements contained in this chapter.

Amendments to the zoning ordinance text, rezonings or zoning map amendments, adoption or amendment of precise plans, and amendments to the general plan are legislative acts reviewed by the environmental planning commission with final determination by the city council. In addition to the authority specifically described below, the zoning administrator may, in accordance with Sec. 36.44.45, designate other community development staff to review projects and issue zoning permits for projects not requiring public hearings. Each of the city officials and administrative bodies with final decision authority as listed below shall have the power to approve, conditionally approve or disapprove projects, permits and amendments. A summary of the review authority described in this article is given in Table 36.44-1.

Table 36.44-1
REVIEW AUTHORITY

Type of Permit or Decision	Subdivision Committee	Development Review Committee	Zoning Administrator	Environmental Planning Commission	City Council
CEQA			F/R	R	F
Conditional Use Permits		R	F		A
Density Bonus (Residential)		R	F		A
Development Agreements			R		F
Development Review		R	F		F/A
Extensions			F		A
General Plan Amendments				R	F
Interpretations			F		A
Lot Line Adjustments[1]	F				A
Mobile Home		R	F		A

Park Permit					
Planned Unit Development Permits		R	F		A
Planned Community Permits		R	R/F		F
Precise Plans				R	F
Special Design Permit		R	F		A
Subdivisions[1] Parcel Maps Tentative Tract Maps	 F R				 A F
Temporary Use Permits			F		A
Variances		R	F		A
Zoning Map and/or Text Amendments				R	F

Key: R—Review and recommendation body
F—Final decision-making body
A—Appeal body

[1] Listed for reference only. Refer to subdivision regulations in Chapter 28 of the City Code.

SEC. 36.44.15. Zoning administrator.

a. **Appointment.** The zoning administrator shall be appointed by the city manager. The city manager may authorize the community development director to appoint deputy zoning administrator(s).

b. **Duties and powers.** The zoning administrator shall perform the duties prescribed in this chapter as designated in precise plans and as assigned by the community development director. The duties shall include the power to:

1. Make recommendations to the city council on planned community permits when specified by a precise plan and transit-oriented development permits as specified by the transit (T) zoning;

2. Oversee the development review committee (DRC);

3. Approve:

(a) Single-family residential major floor area ratio exceptions,

(b) Temporary use permits,

(c) Variances,

(d) Planned unit development permits,

(e) Conditional use permits,

(f) Special design permits,

(g) Applications for development review,

(h) Permit extensions,

(i) Mobile home park permits,

(j) Planned community permits when allowed by a precise plan and transit-oriented development permits when allowed by the transit combining (T) zoning,

(k) Interpretation of this chapter, and

(l) California Environmental Quality Act (CEQA) determination for these items.

4. Refer any application for permit or entitlement to the city council for final action;

5. Adopt rules of procedure for detailed application format, meeting process or other detailed procedures consistent with this article.

c. **Meetings.** The zoning administrator shall hold regularly scheduled hearings open to the public at dates, times and places determined and posted by the zoning administrator.

d. **Concurrent processing.** In lieu of a separate administrative zoning public hearing, the zoning administrator shall refer any zoning permit application 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.

SEC. 36.44.20. Development review committee (DRC).

a. **Appointment and membership.** The DRC shall consist of the following members:

1. The zoning administrator, or designee, who shall serve as the chairperson and secretary;

2. One (1) or more professional architects, serving as consultants, appointed by the community development director; and

3. Other city department directors or their designees (public works, fire, police, community services, etc.), as needed.

b. **Duties and powers.** The duties and responsibilities of the DRC shall be to review the site, architectural and landscaping design of new development and improvements of development applications referred by the zoning administrator, provide applicants with appropriate design comments and make recommendations to the zoning administrator.

c. **Meetings.** The DRC shall hold regularly scheduled meetings open to the public at dates, times and places determined and posted by the zoning administrator.

SEC. 36.44.25. Subdivision committee.

The duties, responsibilities and powers of the subdivision committee shall be as provided by Chapter 28 of the City Code (Subdivisions) except, in lieu of a separate subdivision committee public hearing, the subdivision committee shall refer any subdivision map application 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.

SEC. 36.44.30. Environmental planning commission.

a. **Appointment and membership.** The commission shall consist of seven (7) members, appointed by the city council, who serve in compliance with the provisions of this chapter and the city charter Sec. 906.

b. **Duties and powers.** The commission shall have all powers assigned to it under the city charter Sec. 906 (a-c) and shall exercise the following functions to safeguard the environmental quality of the community:

1. Establish, maintain and monitor an environmental planning process;

2. Identify community-wide goals, through citizen contact and initiate programs to implement and monitor such goals;

3. Formulate and make recommendations to the council for final determinations on new street plan lines, precise plans, general plan amendments, zoning map amendments, zoning text amendments, environmental clearance documents and other applicable policy or ordinance matters related to the city's planning process;

4. Monitor the city's zoning standards and map to ensure consistency with the community's land use objectives;

5. Communicate with the council, public agencies and citizens regarding the environment and plan implementation and subregional and regional planning; and

6. Review and make recommendations on CEQA determinations for these items.

c. **Meetings.** The commission shall hold regularly scheduled meetings open to the public at dates, times and places determined and posted by the commission.

SEC. 36.44.35. City council.

a. **Powers.** The city council shall have final authority for:

1. Appeals on determinations by the subdivision committee, development review committee and zoning administrator;

2. Tentative and final subdivision maps;

3. Planned community permits and transit-oriented development permits when specified within the applicable precise plan or transit combining zone;

4. Any permit or entitlement application referred to the council by the zoning administrator;

5. Street plan lines;

6. Precise plans;

7. General plan amendments;

8. Zoning map amendments;

9. Zoning chapter text amendments; and

10. CEQA determinations for these items.

If, on items 5 through 10, the city council is contemplating approving an action significantly different than the recommendation from the environmental planning commission, the council may, by majority vote, return the item back to the commission for reconsideration and recommendation. The council may specify a time period by which the commission is to return their recommendation back to the council.

SEC. 36.44.40. Preapplication conference.

A prospective applicant is encouraged to request a preapplication conference with the department prior to formal submittal of a permit application. The purpose of this conference is to inform the applicant of requirements that apply to the proposed development project, review the procedures outlined in this chapter, examine possible alternatives or modifications and identify any technical studies relating to future environmental or project permit review. The community development director may require a preapplication conference for controversial or complex projects.

DIVISION 2. DEVELOPMENT REVIEW PROCESS.

SEC. 36.44.45. Development review process.

SEC. 36.44.50. Purpose and intent.

The purpose and intent of the development review section is to establish procedures for the discretionary review of development throughout the city in order to ensure that new development and changes to existing developments: (1) comply with city development requirements and policies; (2) maintain or enhance the appearance of the community; (3) maintain property values through quality development; (4) ensure compatibility of private development with surrounding properties and neighborhoods,

public rights-of-way and other facilities; and (5) in reviewing new residential development, strong emphasis is given to the compatibility of the new development with the surrounding development, including its intensity, density, scale, bulk, height, setbacks, open space, building orientation and architectural style and design. The surrounding development refers to building types, as opposed to styles, and a larger area than immediately adjacent development. In some cases, compatibility with surrounding development may dictate that a residential development may not be allowed at the maximum density permitted by the zone district.

SEC. 36.44.55. Applicability.

All new construction, modifications to building exteriors or development sites, and changes in land use shall require a development review permit, except as otherwise listed in Sec. 36.44.45, including, but not limited to, the following:

a. All new buildings or additions to existing buildings;

b. Any modification that affects the exterior appearance of an existing building, including, but not limited to, covering or blocking window openings in any manner;

c. Any modification to parking lot striping or other on-site circulation changes;

d. Any change to fencing, landscaping or hardscape;

e. A change from one permitted use to different permitted use.

SEC. 36.44.60. Exemptions.

Zoning permits are not required for the following developments and improvements:

a. Any exterior or site modification that the zoning administrator determines is minor, including, but not limited to, minor changes to building color, minor changes to a landscaping plan, restriping parking lots to match previously approved plans or minor adjustments to doors and windows;

b. Construction of, or additions and improvements to conforming single-family or two (2) family structures that comply with the provisions of this chapter;

c. Interior improvements;

d. Construction of fences and entry features over front yard gates that comply with height, width and depth requirements in Sec. 36.06.50; and

e. Establishment of new tenants with the same or similar use, with no exterior changes.

SEC. 36.44.65. Development review procedures.

Preliminary development review through a preapplication conference (see Sec. 36.44.40) is encouraged prior to the formal submittal of an application. This informal review provides guidance to project proponents prior to preparation of detailed building designs and site plans for formal application submittal.

Formal development review is initiated when the department receives a complete application for development review. Development review can be a separate permit application or part of a larger permit application as described in this section. The zoning administrator shall have the overall authority to conduct development review, subject to appeal to the city council, but may refer applications to other community development department staff for review and issuance of permits. The development review process is administered at three (3) levels of evaluation: administrative, zoning administrator public hearings and council public hearings.

The zoning administrator or community development director may require that any application be reviewed through the more formal development review committee process.

a. **Administrative procedures.** Applications with complete materials for simple requests, in full compliance with this chapter or applicable precise plans, requiring no site visits or review by other departments may be approved administratively without public notice or hearing. The zoning administrator may refer any administrative application to the development review committee for comment and recommendations. Typical projects that may qualify include the following:

1. New signs and change of copy on existing signs, which conform to a previously approved sign program;

2. New or amended sign programs;

3. Change of use in nonresidential zoning districts where the proposed use is principally permitted and the proposed parking is in compliance with this chapter;

4. Temporary use permit for the sale of seasonal items, including Christmas trees and pumpkins, seasonal or temporary recreation uses such as day camps, construction yards in conjunction with an approved construction project, mobile home(s) as part of a temporary work site for employees, homeless shelter for up to twenty-nine (29) people and not exceeding thirty-five (35) days, food kitchens and relief services, and similar type uses;

5. Minor facade modifications, including: adding or removing door(s), automated teller machines (ATMs) at an existing bank, handicapped-accessible ramps, roof equipment with screens, additions to single-family structures with nonconforming setbacks and minor architectural enhancements to multi-family structures which conform to approved plans;

6. Minor site plan modifications, including adding or changing: trash enclosures, bicycle lockers, utilities with minimal aboveground structures, satellite dish antennas, fences, landscaping and landscaping structures such as arbors or gazebos and parking lots striping;

7. Fences which exceed six (6) feet in height, but do not exceed seven (7) feet in a residential zoning district, and where the applicant can provide letters of agreement from all adjacent property owners;

8. Facade modifications to multi-family, commercial and industrial structures, where less than one thousand (1,000) square feet of additional floor area is proposed;

9. Modification or minor additions to existing site plans and/or structures located in the planned community zoning district, as provided by Sec. 36.50.30.b or where the precise plan allows for minor modifications;

10. Development review associated with consideration of any new use, new construction or modifications within the neighborhood design (ND) and special design (SD) overlay zoning districts;

11. Development on sites with existing nonconforming structures (see Sec. 36.06.60);

12. Modifications to residential structures for reasonable accommodations (see Sec. 36.08.40);

13. Multi-family accessory structure(s); and

14. Permits for a street vendor or a sidewalk café within the downtown precise plan.

b. **Zoning administrator procedures.** In addition to the authority to take final action on variances, conditional use permits and other special property development permits, the zoning administrator is responsible for making development review recommendations to the city council on planned community permits when specified by a precise plan and transit-oriented development permits when specified by the transit combining (T) zoning, overseeing the development review committee and making final decisions on applications for the following:

1. New construction and/or major remodeling or site plan modifications when in full compliance with the provisions of this chapter;

2. Single-family structures and additions where a floor area ratio exception is requested;

3. Minor adjustment to design/site consideration of an approved permit from a public hearing, which does not result in a reduction from any standard outlined in this chapter or change any special conditions adopted by the council, including, but not limited to:

(a) On-site circulation and parking, loading and landscaping;

(b) Placement and/or height of walls, fences and structures; and

(c) Minor changes to architectural features and/or modification of finished materials and colors that do not alter or compromise the previously approved theme.

4. Development review associated with applications for variances, conditional use permits, temporary use permits and planned unit developments.

5. Changes of use in commercial, office and industrial zoning districts which are in compliance with this chapter, but may impact adjacent properties, including, but not limited to, proposals for outdoor storage adjacent to a residential zoning district; outdoor seating at an existing restaurant; or changes in parking lot lighting which may generate off-site glare;

6. Fences which exceed six (6) feet in height, but do not exceed seven (7) feet, in a residential zoning district where the applicant cannot provide the community development department with letters of agreement from all adjacent property owners.

7. Antenna or communication facilities in all zoning districts, including public right-of-way.

8. Public projects involving permanent new buildings.

c. **City council.** The city council shall make a final development review determination on a planned community permit when the precise plan requires council approval, a planned unit development when it is accompanied by a tentative map and a transit-oriented development permit when the T zone requires council approval. The city council is the final appeal body of zoning administrator determinations.

SEC. 36.44.70. Findings.

Approval of a project shall require written findings supporting the conformance of the project with adopted city standards and design guidelines. The findings shall be based upon the following:

a. The general design considerations as described by the purpose and intent of this chapter, the general plan and any city-adopted design guidelines;

b. The architectural design of structures, including colors, materials and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.) are compatible with surrounding development;

c. The location and configuration of structures, parking, landscaping and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property;

d. The general landscape design ensures visual relief, complements structures, provides an attractive environment and is consistent with any adopted landscape program for the general area;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation and parking; and

f. The approval of the development review permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

DIVISION 3. TEMPORARY USE PERMITS.

SEC. 36.46. Temporary use permits.

SEC. 36.46.05. Purpose.

A temporary use permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district but may be acceptable because of their temporary nature. This section provides a simple process for reviewing a proposed use to ensure basic health, safety and general community welfare standards are met, and approving suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

SEC. 36.46.10. Applicability.

No use that qualifies as a temporary use shall be conducted without a temporary use permit. Uses that do not fall within the categories defined below shall comply with the use and development restrictions and permit review provisions that otherwise apply to the property. The following temporary uses may be allowed:

a. **Construction yards.** Contractors' construction yards that are not located on the construction site but are established in conjunction with an approved and ongoing construction project.

b. **Seasonal sales lots.** Christmas tree sales lots or the sale of other seasonal products, including pumpkins and temporary residence/security trailers. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid business license, provided the activity does not consume more than fifteen (15) percent of the total parking spaces on the site and does not impair emergency vehicle access. Seasonal product sales shall be subject to Chapter 18, City Licenses, of the City Code.

c. **Special events.** A temporary event for the consumption, sell, purchase or production of goods, wares or foods on public or private property, which may include temporary structures or tents. All operators of such events must meet building and fire codes and maintain a valid city business license and county health permit, if food-related services are included. Does not include special events approved by the city council, city-sponsored events or mobile vending in accordance with Chapter 15 of the City Code.

d. **Temporary shelters.** Temporary shelters for the homeless, food kitchens or other temporary or emergency personal relief services for up to thirty-five (35) days, provided that:

1. Housing facilities are limited to a maximum capacity of twenty-nine (29) people; and

2. The facility is provided within an existing structure approved under the Uniform Building and Fire Codes for that use and occupancy.

e. **Temporary work trailers.** Trailer, coach or mobile home as a temporary work site for employees of a business up to a maximum of three hundred sixty (360) days:

1. During construction or remodeling of a permanent commercial or industrial structure when a valid building permit is in force; or

2. Upon demonstration by the applicant that this temporary work site is a short-term necessity while a permanent work site is being obtained.

f. **Mobile vending (special events only)**. All mobile vending shall comply with Chapter 15 of the City Code. A temporary use permit is only required for a special event with mobile vending, where:

1. A single event with mobile vending exceeds four (4) hours in duration during a twenty-four (24) hour period on an individual property or contiguous properties; or

2. Four (4) or more mobile vendors operate on a single property or contiguous properties at any given time.

g. **Similar temporary uses.** Similar temporary uses including, but not limited to, temporary or seasonal recreational uses and day camps which, in the opinion of the zoning administrator, are compatible with the zoning district and surrounding land uses.

SEC. 36.46.15. Special application requirements.

A temporary use permit application shall be filed in compliance with this division, with the following differences:

a. **Illustrations.** Sketches or drawings of sufficient size and clarity to show, without further explanation, the following: size and location of the property, location of

the adjacent street, location and size of all structures on the site, location of structures on adjacent lots, location and number of parking spaces, and location of any temporary fences, signs, lights or structures to be installed as part of the temporary use;

b. **Statement of operations.** A written statement describing the products or services to be provided, hours of operation, days that the temporary use will be on the site, number of people staffing the use during operation, anticipated number of people using the facility during its operation, and other information about the operation of the use including use of any loudspeakers that pertains to the impact of the use on the community or on adjacent uses; and

c. **Letters from adjacent property owners.** For off-site construction yards, seasonal sales lots, temporary recreation uses and temporary shelters that are proposed to last more than thirty-five (35) consecutive days per calendar year, a letter(s), signed by the property owner(s) of each property adjacent to the proposed temporary use, shall be submitted to the zoning administrator. The letter(s) shall describe the proposed use and dates and times of operation, and state the adjacent property owner's agreement to the operation of the temporary use as described. When the applicant is unable to obtain these letters from all adjacent property owners, or for any other temporary use proposed to last for more than thirty-five (35) days, the applicant must file an application for a standard conditional use permit. This requirement does not apply to temporary work trailers described in Sec. 36.46.10.e.

SEC. 36.46.20. Findings.

A temporary use permit application may be approved only if all the following findings are made:

a. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working near the proposed use.

b. The use, as described and conditionally approved, will not be significantly detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community.

c. The standards for structure setbacks, heights, floor areas, parking and landscape areas and other structure and property development standards that apply to the category of use or the zoning district of the subject property are generally met. However, the temporary use permit may authorize variation from the specific requirements as may be determined to be appropriate by the zoning administrator. In making these determinations, the zoning administrator shall take into consideration the short time period of the proposed use.

SEC. 36.46.25. Condition of site following temporary use.

Upon conclusion or removal of the temporary use, the site shall be cleaned of debris, litter or any other evidence of the temporary use and shall thereafter be used in compliance with the provisions of this chapter. A bond may be required prior to initiation of the use to ensure cleanup after the use has been terminated.

SEC. 36.46.30. Appeals.

Decisions of the zoning administrator on temporary use permits may be appealed to the community development director. The community development director shall provide notice by mail to the applicant, to the owner of the subject property and to the owners of all abutting properties at least ten (10) calendar days prior to the hearing. Decisions of the community development director on any appeal may be appealed to the city council pursuant to this division.

DIVISION 4. VARIANCES.

SEC. 36.46.35. Variances.

SEC. 36.46.40. Purpose.

Variances allow exceptions from the development standards of this chapter only when there are extraordinary circumstances applicable to the subject property (such as size, shape, topography, location or surroundings) and when the strict application of this chapter denies the subject property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any variance granted may be subject to conditions that will ensure that the variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the property is situated. The power to grant variances does not extend to uses of land or buildings, nonresidential floor area ratios which are specific to the zone district or residential density regulations.

SEC. 36.46.45. Applicability.

The zoning administrator may only grant a variance from the following requirements of this chapter:

a. Dimensional standards, including, but not limited to: distance between structures, parcel area, building coverage, landscape and paving requirements, parcel dimensions, setbacks and structure heights; and

b. Sign regulations.

SEC. 36.46.50. Special application requirements.

A variance application shall be filed in compliance with this division, with the following differences: (1) written or graphical documentation of the extraordinary circumstances that apply to the property; and (2) written or graphical documentation of what variations from zoning standards are proposed in response to these circumstances.

SEC. 36.46.55. Hearings and action.

Upon receipt of a complete variance application in proper form, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

To ensure effective implementation of general plan policies relating to design, each application for a variance involving any exterior modification shall be reviewed by the development review committee. The development review committee shall make a recommendation regarding the design quality of the proposed development in accordance with Sec. 36.44.70 (Findings) to the zoning administrator. The zoning administrator may approve or disapprove the variance, subject to appeal to the city council.

SEC. 36.46.60. Findings.

Each variance application shall be analyzed to ensure that the application is consistent with the purpose and intent of this chapter. Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based, in compliance with state law (Government Code §65906). These findings shall be mailed to the applicant and property owner. The zoning administrator may approve an application, with or without conditions, only if all of the following findings are made:

a. That there are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings, so that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Variances are not available for personal, family, medical and financial hardships, and neighboring violations of this article are not hardships justifying a variance;

b. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the owner of the property for which the variance is sought;

c. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;

d. That granting the variance will not create a special right or privilege not enjoyed by other property owners in the vicinity and zoning district;

e. That granting the variance is consistent with the general plan; and

f. The approval of the variance complies with the California Environmental Quality Act (CEQA).

SEC. 36.46.65. Transfer of variance.

A variance granted in compliance with the provisions of this section shall continue to be valid upon a change of ownership of the site, business, service, use(s) or structure that was the subject of the permit application provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use or structure(s) under the new ownership.

DIVISION 5. PLANNED UNIT DEVELOPMENT PERMITS.

SEC. 36.46.70. Planned unit development permits.

SEC. 36.46.75. Purpose.

Planned unit development (PUD) permits afford maximum flexibility and diversity in site planning and structure heights while protecting the integrity and character of the residential, commercial and industrial areas of the city. The design, configuration and impact of the proposed PUD project shall be compared to the general plan, the purpose and standards of the applicable zone district and any other applicable

standards and design guidelines. The PUD permit provides for comprehensive analysis of project-related impacts while allowing for nontraditional or unique site plan design, provided that the zoning administrator finds substantial compliance with the purpose and intent of this chapter.

SEC. 36.46.80. Applicability.

The planned unit development permit applies to all zoning districts except the planned community (P) zoning district. Planned unit development permits may be requested under the following circumstances:

a. In any "M" zoning district where the minimum project area is ten (10) acres;

b. In any "C" zoning district where the minimum project area is two (2) acres;

c. In any R1, R2, R3 or R4 zoning district. The following types of development may be approved through a PUD process:

1. Flag lots in the R1 zone;

2. Other types of development in the R1 zone which include two (2) or more lots that do not have the required frontage on a public street;

3. Residential developments (including, but not limited to, small-lot, single-family development, townhouses and rowhouses) in the R2, R3 and R4 zones;

4. Development projects in any R zone that meet the definition of a PUD and include deviations from setback standards of the zone district; or

5. Senior care facility in the R1, R2, R3 and R4 zones that warrant flexibility from zoning regulations. Facilities that comply with zoning do not require a PUD.

SEC. 36.46.85. Special application requirements.

In addition to the application requirement of this article, applications for a PUD permit shall include drawings or other illustrations and/or written descriptions that clearly indicate any departures from the development standards of the underlying zone district, explanations regarding why those departures enhance the project and explanations of how the proposed project contributes to the harmonious development of the community. Application materials shall also include a description of how the

project achieves the purpose of the underlying zone district, even with the proposed departures from the development standards of the underlying zone.

SEC. 36.46.90. Hearings and action.

Upon receipt of a complete PUD permit application in proper form, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). To ensure effective implementation of general plan policies relating to design guidelines, each application for a PUD permit shall be reviewed by the development review committee. The development review committee shall forward a recommendation on the permit to the zoning administrator for consideration in reaching a final decision or recommendation. All applications shall be accompanied by an application for a subdivision as defined in Chapter 28 of the City Code. The review of the PUD permit application shall involve concurrent review of the application for subdivision and disapproval or continuation of one shall constitute disapproval or continuation of the other.

For PUD permits involving fewer than five (5) lots, the zoning administrator has the authority to approve or disapprove the permit, subject to appeal to the city council. For PUD permits involving five (5) or more lots, the zoning administrator shall forward a recommendation to the city council, to be scheduled for city council review concurrently with consideration of the proposed subdivision. The city council shall have final authority to approve or disapprove the PUD permit.

SEC. 36.46.95. Findings.

Each PUD permit application shall be analyzed to ensure that the application is consistent with the purpose and intent of this chapter. Following the hearing, the zoning administrator or city council shall issue written findings upon which the decision is based. These findings shall be mailed to the applicant and property owner. The zoning administrator or city council may impose specific development conditions relating to both on- and off-site improvements that are necessary to mitigate project-related adverse impacts and to carry out the purpose and requirements of the respective zoning district. The zoning administrator or city council may approve a PUD permit, if all of the following findings are made:

a. The proposed land use(s) are allowed within the subject zoning district;

b. The site is physically suitable for the type and intensity of the land use being proposed;

c. The proposed project would be harmonious and compatible with existing and future developments within the zoning district and surrounding area;

d. In the case of a proposed residential project, the development will constitute a residential environment of sustained desirability and stability and will result in an intensity of land utilization no higher than, and standards of open space no less than, permitted for a similar development within the zone district;

e. The approval of the PUD permit for proposed project complies with the California Environmental Quality Act (CEQA);

f. The proposed project is consistent with the general plan;

g. The location, size, design and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience or welfare of the community; and

h. The proposed project is in substantial compliance with the intent of requirements of the applicable zone district and implementation of the proposed harmonious and integrated PUD design is superior to standard development in the underlying zone and, therefore, justifies the exceptions to the requirements of this chapter.

DIVISION 6. CONDITIONAL USE PERMITS.

SEC. 36.48. Conditional use permits.

SEC. 36.48.05. Purpose.

Conditional use permits allow for activities and uses which are not routinely permitted within the subject zone district and need to be reviewed on a case-by-case basis to determine whether the activity or use is appropriate for a particular location, including its compatibility with existing uses. Any conditional use permit granted may be subject to conditions that will ensure that the use as proposed and conducted will be compatible with the intent of the applicable zone district and other uses in the area.

SEC. 36.48.10. Applicability.

a. The zoning administrator may grant a conditional use permit only for those uses specifically listed as a conditional use in the applicable zone district.

b. Consideration of applications for a reduction of off-street parking requirements shall also follow the conditional use permit procedure (see Sec. 36.32.65).

c. Uses that are listed as "provisional" in precise plans shall be evaluated by the zoning administrator, using the criteria contained in the purpose and findings requirements of this section. Provisional uses within precise plans shall be reviewed using the application and hearings and notice procedure defined within the planned community permit section (Sec. 36.50.30) and applicable precise plan.

SEC. 36.48.15. Special application requirements.

In addition to the application requirement of this article, applications for a conditional use permit shall include a detailed description of the proposed use, including information such as, but not limited to, hours of operation, estimated patronage, parking demand or other measures of the expected intensity of the use, special development design features that would buffer nearby properties from the potential impacts of the proposed use and other information about the nature of the specific use or design of the development housing the proposed use that would demonstrate the use as specifically proposed will comply with the intent of the applicable zone district and with this section.

SEC. 36.48.20. Hearings and action.

Upon receipt in proper form of a complete conditional use permit application, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

To ensure effective implementation of general plan policies relating to design, each application for new structures or site plan modifications accompanying a conditional use permit shall be reviewed by the development review committee. The development review committee shall make a recommendation regarding the design quality of the proposed development in accordance with Sec. 36.44.45 to the zoning administrator. Applications involving land use changes with no construction or site modifications shall not require review by the development review committee. The zoning administrator may approve or disapprove the conditional use permit, subject to appeal to the city council.

SEC. 36.48.25. Findings.

Each conditional use permit application shall be analyzed to ensure that the use and development is consistent with the purpose and intent of this chapter. Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based. These findings shall be mailed to the applicant and property owner. The zoning administrator may approve a conditional use permit application, if all of the following findings are made:

a. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this chapter;

b. The proposed use is consistent with the general plan;

c. The approval of the conditional use permit for the proposed use complies with the California Environmental Quality Act (CEQA);

d. The location, size, design and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity; and

e. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

SEC. 36.48.30. Transfer of conditional use permit.

A conditional use permit granted in compliance with the provisions of this section shall continue to be valid upon a change of ownership of the site, business, service, use(s) or structure that was the subject of the permit application provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use under the new ownership. The zoning administrator may approve minor changes to required conditions and operating standards of an approved conditional use permit.

DIVISION 7. MOBILE HOME PARK PERMIT.

SEC. 36.48.35. Mobile home park permit.

SEC. 36.48.40 Purpose.

Mobile home park (RMH) permits provide development and use review for projects within the mobile home park district to ensure new uses, structures or mobile

home sites will be compatible with the rest of any existing mobile home park, the provisions of this chapter and with the surrounding uses and structures.

SEC. 36.48.45. Applicability.

Mobile home park permits are required for development of any new or modified use, addition of new mobile home units not provided for in existing mobile home park permits, modification of the existing approved site plan or the expansion of the boundaries of a mobile home park within the mobile home park district.

Construction of one (1) single-family dwelling unit or one (1) duplex dwelling, establishment or modification of crop and tree farming or modification to common area buildings or recreation facilities shall only require development review in accordance with Sec. 36.44.45.

Approval by the chief building official shall be required for additions or alterations to any individual mobile home lot provided such modifications do not affect the mixture of single- and double-wide mobile home units within the mobile home park in such a way as to affect the allowed density of units within the park.

SEC. 36.48.50. Special application requirements.

In addition to the application requirements of this article, the following information shall be included:

a. A scaled and dimensioned park development plan indicating: proposed size and location of all common recreation areas, buildings and all mobile home lots/spaces; the proposed location of all public and private roadways, driveways, walkways and other elements of internal and external circulation; proposed use and materials for all other areas to be landscaped, paved or otherwise treated; lighting plans; and location of all fire hydrants or wharves. The park development plan must also show all existing structures and uses within thirty (30) feet of the exterior boundaries of the mobile home park.

b. Dimensioned elevations of all common buildings identified in the park development plan and of all permanent fences, walls and signs, including indication of colors and materials.

c. Description of use restrictions or other controls as needed to comply with the density and mobile home unit size restrictions of the RHM District.

SEC. 36.48.55. Hearings and action.

Upon receipt in proper form of a complete mobile home park permit application, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

To ensure effective implementation of general plan policies relating to design, each application for new or modified permanent structures or site features shall be reviewed by the development review committee. The development review committee shall make a recommendation to the zoning administrator regarding the design quality of the proposed development in accordance with Sec. 36.44.45.

The zoning administrator may approve or disapprove the mobile home park permit, subject to appeal to the city council.

SEC. 36.48.60. Findings.

Following a public hearing, the zoning administrator shall issue written findings upon which the decision is based. These findings shall be mailed to the applicant and property owner. The zoning administrator may approve a mobile home park permit if all of the following findings are made:

a. The proposed mobile home park development complies with all of the applicable provisions of this chapter, the general plan and any applicable design guidelines;

b. The location and design of structures, parking, landscaping, common area buildings and recreation spaces, and vehicular and pedestrian access are appropriately integrated and compatible with the site and building character of the existing and potential future development surrounding the project, including public streets and sidewalks;

c. The proposed development will not be detrimental to the public interest, health, safety, convenience or welfare;

d. The establishment, maintenance and operation of the mobile home park will create a long-term, quality residential environment; and

e. The approval of the mobile home park permit complies with the California Environmental Quality Act (CEQA).

DIVISION 8. TRANSIT-ORIENTED DEVELOPMENT PERMIT.

SEC. 36.48.65. Transit-oriented development permit.

SEC. 36.48.70. Purpose.

Transit-oriented development (TOD) permits provide development review for projects in the transit (T) combining zone to ensure the project design encourages rail, bicycle and pedestrian travel. These design features are intended to support transportation alternatives to the automobile and minimize the potential traffic impacts of the greater floor area possible under the TOD permit.

SEC. 36.48.75. Applicability.

TOD permits may be requested only for properties within the transit combining district. A TOD permit is only required when the proposed development floor area exceeds the floor area ratio allowed in the base commercial or industrial district underlying the T zone.

SEC. 36.48.80. Special application requirements.

In addition to the application requirements of this article, the following information shall be included: relationship of the proposed development to transit facilities and additional facilities and improvements proposed as part of the project to enhance access to or usability of transit.

An application for a TOD permit may be considered concurrently, or subsequent to consideration of rezoning to the transit combining district.

SEC. 36.48.85. Hearings and action.

The TOD permit shall be processed in accordance with this article as follows:

a. Upon receipt of a complete TOD application in proper form, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). TOD permits shall require review and recommendation by the zoning administrator and approval by the city council. At the time of the rezoning to the T zone, the city council may delegate approval authority over the TOD permit to the zoning administrator if the council determines that the site is well-oriented toward transit and will be subject to development which is consistent with the purposes of the T zone.

b. To ensure effective implementation of general plan policies relating to design, each application for a TOD permit involving exterior modification shall be reviewed by the development review committee. The development review committee shall make a recommendation regarding the design quality of the proposed development in accordance with Sec. 36.44.45 to the zoning administrator.

c. After conducting a public hearing, the zoning administrator may approve or disapprove, if authorized by the T zone, or make a written recommendation to the city council on whether to approve or disapprove the proposed TOD permit.

d. Following such recommendation by the zoning administrator, a public hearing shall be held by the city council. Notice of the city council hearing shall be given in compliance with Sec. 36.56 (Applications, Hearings and Appeals). The city council may approve or disapprove the application. If the city council is considering approving development plans significantly different from the plans reviewed by the zoning administrator, the city council may refer the revised plan back to the zoning administrator for review and subsequent recommendation to the city council.

SEC. 36.48.90. Findings.

Following a public hearing, the zoning administrator shall issue written findings or make a recommendation to the city council with the findings upon which the recommendation is based. These written findings shall be mailed to the applicant and property owner.

The zoning administrator may approve or recommend for approval a TOD permit if all of the following findings are made:

a. The proposed project complies with the property development standards of the underlying commercial or industrial zone;

b. The proposed development includes the special transit-related features specified in Sec. 36.26.90.f items 1 through 5 (Mandatory T Zone Development Criteria); and

c. The proposed development includes additional transit related features such as those specified in Sec. 36.26.90.f.6 (Additional T Zone Development Criteria).

DIVISION 9. SPECIAL DESIGN PERMIT.

SEC. 36.50. Special design permit.

SEC. 36.50.05 Purpose.

A special design permit provides development review for properties within the special design (SD) combining district. It allows flexibility in development and design standards to address the unique environmental or property factors affecting sites located near major transportation routes, or other environmental hazards. The special design permit process mandates that environmental factors or property configuration or location constraints specifically identified at the time of SD zoning be addressed in any project design.

SEC. 36.50.10. Applicability.

A special design permit shall be required for new land uses, new structures, and modifications within a special design combining district. A special design permit may also be required for renovations and other improvements that may otherwise be exempt by this chapter, subject to the standards adopted by the special design combining district.

SEC. 36.50.15. Special application requirements.

In addition to the application requirements of this article, additional information on specific site and building design features, including identification of any variation from the development standards of the underlying base zone district and how those variations respond to the environmental or site constraints identified as part of the rezoning to the special design district shall be included by the applicant.

An application for a special design permit may be considered concurrently with, or subsequent to, consideration of rezoning to the special design combining district.

SEC. 36.50.20. Hearings and action.

A special design permit shall be reviewed and approved in accordance with the development review process (see Sec. 36.44.45). For applications for a special design permit submitted in combination with other development permits, which require higher levels of review such as variances, conditional use permits and subdivisions, the special design permit shall involve concurrent review of the application with other permits and disapproval or continuation of one shall constitute disapproval or continuation of the other.

SEC. 36.50.25. Findings.

Each special design permit shall be reviewed by the zoning administrator to ensure the project design is consistent with the purposes of the special design district, with this section and with the objective of responding to the specified environmental or other design constraints through creative and flexible project design. Following the hearing, the zoning administrator shall issue written findings upon which the decision is based. These findings shall be mailed to the applicant and property owner. The zoning administrator may impose specific development conditions relating to both on- and off-site improvements that are necessary to mitigate site- and project-related adverse impacts, and to carry out the purpose and requirements of the underlying zoning district and the special design combining district. The zoning administrator may approve a special design permit, if all of the following findings are made:

a. The proposed land use(s) are allowed within the subject zoning district.

b. The proposed project is in substantial compliance with the requirements of the applicable zone district and would be harmonious and compatible with existing and future developments within the zoning district and surrounding area;

c. The proposed project, including any special design features to respond to the site constraints listed in Sec. 36.26.85 (SD district) which were identified at the time of zoning to the SD district, and implementation of a harmonious and integrated plan, justifies any necessary exceptions to the requirements of this chapter;

d. The approval of the special design permit complies with the California Environmental Quality Act (CEQA);

e. The proposed project is consistent with the general plan; and

f. The location, size, design and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience or welfare of the community.

DIVISION 10. PLANNED COMMUNITY PERMITS.

SEC. 36.50.30. Planned community permits.

SEC. 36.50.35. Purpose.

The planned community (PC) permit allows new construction, redevelopment or changes of use within the planned community district that comply with the special land use and project development standards of the applicable precise plan or that were

specified at the time of rezoning to or amendment of the P district. The planned community permit process provides the opportunity for applicants to propose creative, innovative developments within a context of defined community goals and objectives and a basic development envelope established by a precise plan, while also providing for careful public review of such developments to ensure the proposals are consistent with community objectives.

SEC. 36.50.40. Applicability.

a. A planned community permit shall be required within a planned community district prior to any new development or redevelopment, establishment of any use listed as "provisional" within the applicable precise plan or any development or addition to an existing development that varies from the development standards of the applicable precise plan. A planned community permit may be granted by either the zoning administrator or the city council.

b. Minor alterations to the exterior of an existing building, signs and minor alterations to paved or landscaped areas that are consistent with the existing development of the property and of surrounding properties may be approved or disapproved by the zoning administrator through the development review process.

SEC. 36.50.45. Special application requirements.

In addition to the application requirements of this article, the following additional information shall be included:

a. If the application covers several separate properties being submitted as one "project" (if allowed in the applicable precise plan), then separate legal descriptions of each property shall be required together with written authorization from each property owner acknowledging their understanding that their property may be legally linked with all other properties within the project for the purposes of the application and future development and use;

b. A checklist or other documentation of the requirements of the applicable precise plan demonstrating how the proposed project complies with those requirements. If any minor variations or exceptions from the precise plan requirements are proposed, the applicant must submit material providing justification for such variation or exception and demonstrating that the project as a whole complies with the stated purpose and goals of the precise plan and the general plan;

c. For large or complex proposals, architectural models, perspective sketches or other illustrations of the three-dimensional building design; and

d. Other information as may be required by the zoning administrator to illustrate the appearance of the proposed development, compliance with the goals, objectives and development standards of the applicable precise plan, and compatibility of the proposed development with the surrounding community.

SEC. 36.50.50. Hearings and action.

a. **Hearings and notices.** Upon receipt of a complete planned community permit application, the zoning administrator shall determine the appropriate level of permit review based on the project proposal and the following criteria:

1. Within a planned community zone which does not have an adopted precise plan, the following levels of project review shall apply:

(a) For any application for new development or redevelopment, for any increase in use intensity or for any addition of floor area exceeding two thousand (2,000) square feet, the zoning administrator shall hold a duly noticed public hearing in compliance with Sec. 36.56 (Applications, Hearings and Appeals). The zoning administrator may refer the proposal to the development review committee for review of general compatibility with the surrounding development, with general principles of good architectural and site design and with the goals and objectives of the general plan. After conducting a public hearing, the zoning administrator shall forward a written recommendation on the proposed development or use to the city council. Following such zoning administrator decision, the city council shall hold a duly noticed public hearing. The city council may approve or disapprove the application.

(b) For applications for change of use to another use of the same nature and intensity as the existing approved use; for minor site changes and building alterations such as minor additions not exceeding a cumulative two thousand (2,000) square feet in floor area, changes to building materials or facade details or minor changes to the configuration of parking or landscaping; or for signs or sign programs that are consistent with the sign provisions that would be normally applied to the type of use or development of the site, the zoning administrator may act through the development review process to approve or deny the application, subject to appeal to the city council.

2. For applications within the area covered by an existing precise plan, the following levels of project review shall apply:

(a) For new developments, redevelopment of developed sites or adoption of a master plan, if required by the applicable precise plan, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). Following such hearing, the zoning

administrator shall forward a written recommendation to the city council, which shall hold a duly noticed public hearing. The city council may approve or disapprove the application.

(b) After city council approval of the underlying development and/or master plan, the zoning administrator, after a duly noticed public hearing, may approve or disapprove any of the following: (1) provisional uses listed within the applicable precise plan; (2) building expansions and modifications that are consistent with the development standards of the applicable precise plan or the approved master plan for the project area; and (3) establishment of individual signs or sign programs. The decisions of the zoning administrator may be appealed to the city council.

(c) The zoning administrator may act through the development review process on the approval of minor sign program changes or of specific signs; of minor site changes and building alterations such as building material changes or minor changes to the configuration of parking or landscape areas, and changes in use to another use listed as permitted in that applicable precise plan, subject to appeal to the city council.

Any substantial amendment to the plan proposed to be adopted by the city council may be referred back to the zoning administrator for review and subsequent recommendation to the city council.

SEC. 36.50.55. Findings.

Following a public hearing, the zoning administrator shall issue written findings or forward a recommendation to the city council with the findings upon which the recommendation is based. These written findings shall be mailed to the applicant and property owners. The zoning administrator may approve, or recommend for approval, a planned community permit if all the following findings are made:

a. The proposed use or development is consistent with the provisions of the applicable precise plan, or, if no precise plan exists for the subject area, the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments;

b. The proposed use or development is consistent with the general plan;

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience or welfare;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area; and

e. The proposed project complies with the California Environmental Quality Act (CEQA).

DIVISION 11. PRECISE PLANS.

SEC. 36.50.60. Precise plans.

SEC. 36.50.65. Purpose.

This section sets forth the procedure for adopting, amending and implementing precise plans. Precise plans are a legislative tool for coordinating future public and private improvements on specific properties where special conditions of size, shape, land ownership or existing or desired development require particular attention. The adoption or amendment of precise plans implement specific design and development objectives utilizing land use policies and development standards tailored to fit the unique opportunities and challenges of the precise plan area. In the land use hierarchy, precise plans are above zoning district and below the general plan.

SEC. 36.50.75. Applicability.

Precise plans constitute the land use and property development standards and guidelines for property within the planned community (P) zoning district. Current implementation of this chapter provides that a precise plan be adopted at the time of any rezoning of property to the P zoning district. New precise plans and planned community zoning are appropriate only when there are special conditions of property configuration, ownership or location or when special land uses or developments are desired that may not conform to the land use or development provisions of a standard zoning district. Applications to adopt or amend a precise plan shall first be submitted to the city council for determination of the appropriate timing of review of such applications. Applications needed to accommodate a housing proposal where a majority of the units will be affordable to households earning less than the median income by household size for Santa Clara County shall be exempt from this requirement. In conjunction with this submittal for city council determination of the timing of review of such application, information about the potential fiscal impact of the proposed land use or development change allowed by the proposed precise plan or precise plan amendment shall also be required.

SEC. 36.50.80. Special application requirements.

A new precise plan or amendment to an existing precise plan may be initiated by the community development director, environmental planning commission, city council or by the owner, or authorized agent of the owner, of property within the proposed

precise plan (and planned community zoning district) or existing precise plan area. In addition to the application requirements of this division, an application to amend or adopt a precise plan shall include the proposed text and diagram(s), which contain all of the provisions outlined in Sec. 36.50.85 (Content of Precise Plans), in addition to all data and related exhibits required by the city. Submitted materials shall also include a statement describing the characteristics or circumstances of the project area believed by the applicant to require the adoption or amendment of the plan as proposed.

For applications for a new precise plan or amendment of an existing precise plan submitted by the owner, or authorized agent of the owner, of property within the proposed or existing precise plan area, the application shall first be forwarded to the city council for determination of the timing of review of the application. The applicant shall submit all materials required for the application plus a letter requesting city council authorization to proceed with the review. Said letter shall include information about any other studies that have affected the subject property or area within the past three (3) years and any other information that the applicant feels pertains to the council's review of the scheduling of the processing of the application. Information about the potential fiscal impact of the proposed new or amended precise plan, including any measures proposed by the applicants to offset any adverse fiscal impacts, shall be included in the applicant's submitted information. The city council's review shall be in accordance with Sec. 36.50.90 (Hearings and Actions).

SEC. 36.50.85. Content of precise plans.

A precise plan must contain a statement of the goals and objectives of the plan, noting the unique features of the area or the allowed development that distinguish the area from a standard zone district area. The plan may include goals and objectives from the general plan, economic development plan, neighborhood improvement plans and other planning documents prepared or implemented by the city. A precise plan must contain land use policies and development criteria necessary to implement the goals and objectives. These items specify allowed uses, intensity of use, relationship to neighboring properties, parking and circulation, signs, special design standards and procedures for development review. The land use policies and development standards of precise plans may be written in flexible terms, placing proper importance on the achievement of goals and objectives over compliance with rigid development standards.

SEC. 36.50.90. Hearings and action.

Upon receipt of an application for a new precise plan or amendment of an existing precise plan, the city council shall schedule consideration of the timing of processing the application. Said consideration shall be scheduled within sixty (60) days of the applicant's submittal of the required material. Information provided to the city

council regarding this consideration shall include the applicant's request and application materials as required by Sec. 36.50.80 and a report from staff noting the estimated resources required to process the application; estimated cost, existing and scheduled city resource commitments; and summary of other general plan, precise plan or zoning considerations affecting the subject property or area within the past three (3) years. In determining the appropriate timing of processing the application, the city council shall consider the following:

a. The effect this request may have on other current pending requests and assignments or the ability of staff to handle other anticipated requests or other assignments for amendments;

b. Whether the request should be combined with other requests, deferred until it can be combined with additional requests or otherwise coordinated with other pending amendment considerations;

c. Whether the current application request affects the same or similar properties as have been studied within the past three (3) years, particularly with respect to the fairness of committing additional resources to areas or properties that have been studied extensively in the past;

d. Identification of available staff resources to process and study the request, including environmental analysis and direction to staff to the extent necessary regarding the priority of this request relative to other work items; and

e. The potential fiscal impact of the development allowed by the proposed new or amended precise plan relative to the existing allowed development and the fiscal impact of other projects pending planning study.

A precise plan shall be prepared, adopted and amended in the same manner as a zoning map amendment, except that a precise plan may be adopted or amended by resolution. A precise plan may be amended as often as deemed necessary by the city council. All precise plans shall be reviewed against current community development goals and policies every five (5) years, at years ending in "5" or "10." This review shall be scheduled for consideration over the course of the year before the environmental planning commission, which shall recommend to the council initiation of amendment of individual precise plans as deemed appropriate. The council shall consider the environmental planning commission's recommendations and shall have final authority to initiate a precise plan amendment based on this review.

Upon receipt of a complete application to introduce or amend a precise plan, or upon initiation by the department, commission or council, and following department

review, duly noticed public hearings shall be scheduled before the commission and council in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

At the conclusion of its public hearing, the commission shall make a written recommendation to the council on whether to approve, approve in modified form or disapprove the proposed precise plan or amendment, based upon the findings required by this article.

Upon receipt of the commission's recommendation, the council may approve, approve in modified form or disapprove the proposed precise plan. Any substantial amendment to the plan proposed by the council may be referred back to the commission for review and subsequent recommendation to the council.

SEC. 36.50.95. Findings.

Adoption or amendment of a precise plan may be recommended by the environmental planning commission for approval only if all of the following findings can be made:

a. The proposed plan is consistent with the general plan;

b. The property covered by the proposed precise plan or precise plan amendment is within the planned community (PC) district.

c. The proposed plan would not be detrimental to the public interest, health, safety, convenience or welfare of the community;

d. The proposed plan promotes development of desirable character, harmonious with existing and proposed development in the surrounding area;

e. The site has special conditions of size, shape, land ownership, existing development or development opportunities that can only be addressed by approval of the proposed precise plan or amendment; and

f. The approval of the proposed plan complies with the California Environmental Quality Act (CEQA).

DIVISION 12. GENERAL PLAN AMENDMENTS.

SEC. 36.52. General plan amendments.

SEC. 36.52.05. Purpose.

The following provisions allow for the amendment of the general plan whenever required by public necessity and general welfare. A general plan amendment may include revisions to text, goals, policies, actions or land use or circulation system designations.

SEC. 36.52.10. Applicability.

The general plan covers the incorporated area of Mountain View and unincorporated areas that are within the city's defined "sphere of influence," which is the outer boundaries of future incorporation to the City of Mountain View. Applications to adopt or amend the general plan shall first be submitted to the city council for determination of the appropriate timing of review of such applications. Applications needed to accommodate a housing proposal where a majority of the units will be affordable to households earning less than the median income by household size for Santa Clara County shall be exempt from this requirement. In conjunction with this submittal for council determination of the timing of review of such application, information about the potential fiscal impact of the proposed land use or development change allowed by the proposed general plan amendment shall also be required.

SEC. 36.52.15. Special application requirements.

a. Amendment of the general plan text or land use map category may be initiated by the director, commission or council.

b. An application to amend the text of the general plan may be initiated by any interested party residing in, owning property or doing business with the city.

c. Unless initiated in accordance with Sec. 36.52.15.a, an application to amend the land use map category on a specific property may be made only by the property owners or the authorized agent of the affected property(ies).

d. For applications for a general plan text or map amendment submitted by a property owner, person doing business in, or resident of, Mountain View, the application shall first be forwarded to the city council for determination of the timing of review of the application. The applicant shall submit all materials required for the application plus a letter requesting city council authorization to proceed with the review. Said letter shall include information about any other studies that have affected

the subject property or area, or the subject text of the general plan, within the past three (3) years and any other information the applicant feels pertains to the council's review of the scheduling of the processing of the application. Information about the potential fiscal impact of the proposed general plan amendment, including any measures proposed by the applicants to offset any adverse fiscal impacts, shall be included in the applicant's submitted information. The city council's review shall be in accordance with Sec. 36.52.20 (Hearings and Actions).

SEC. 36.52.20. Hearings and action.

Upon receipt of an application for a general plan text or map amendment, the city council shall schedule consideration of the timing of processing the application. Said consideration shall be scheduled within sixty (60) days of the applicant's submittal of the required material. Information provided to the city council regarding this consideration shall include the applicant's request and application materials as required by Sec. 36.52.15 and a report from staff noting the estimated resources required to process the application, estimated cost, existing and scheduled city resource commitments, and summary of other general plan, precise plan or zoning considerations affecting the subject property or area or topic of the proposed text amendment within the past three (3) years. In determining the appropriate timing of processing the application, the city council shall consider the following:

a. The effect this request may have on other current pending requests and assignments or the ability of staff to handle other anticipated requests or other assignments for amendments;

b. Whether the request should be combined with other requests, deferred until it can be combined with additional requests or otherwise coordinated with other pending amendment considerations;

c. Whether the current application request affects the same or similar properties, or the same or similar text of the general plan as have been studied within the past three (3) years, particularly with respect to the fairness of committing additional resources to areas or properties that have been studied extensively in the past;

d. Identification of available staff resources to process and study the request, including environmental analysis and direction to staff to the extent necessary regarding the priority of this request relative to other work items; and

e. The potential fiscal impact of the development allowed by the proposed general plan amendment relative to the existing allowed development and the fiscal impact of other projects pending planning study.

Upon receipt of a complete application to amend the general plan, or upon initiation by the director, commission or council, and following department review, a duly noticed public hearing shall be scheduled before the commission and council in compliance with Sec. 36.56 (Applications, Hearings and Appeals).

At the conclusion of its public hearing, the commission shall make a written recommendation to the council on whether to approve, approve in modified form or disapprove a new or amended general plan based upon the findings required by this article and include its reasons supporting the recommendation, if appropriate. Prior to the item being forwarded to council, the community development director may withdraw a staff-initiated amendment, or an applicant may withdraw their application from further consideration. The commission, by majority vote, may withdraw a commission-initiated amendment.

Recommendations on amendments that do not require Environmental Impact Reports (EIR) shall be forwarded to the council within ninety (90) days of the public hearing, including any date-specific continuations of the public hearing, unless an extension is agreed to by the applicant. For amendments requiring an EIR, the environmental planning commission's recommendation on the draft EIR and on the proposed amendment shall be forwarded to the council within ninety (90) days of the commission's receipt of the responses to comments on the draft EIR, unless an extension is agreed to by the applicant. If no recommendation is made within this time period, it shall be considered a recommendation for disapproval, which shall be forwarded to the council.

Upon receipt of the commission's recommendation at a public hearing, the council shall, within sixty (60) days, approve, approve in modified form or disapprove the proposed amendment, unless an extension is agreed to by the applicant. No action within this time period shall constitute disapproval of the proposed amendment.

If the Council proposes to adopt any substantial modification to the amendment not previously considered by the commission during its hearings, the proposed modification may be first referred back to the commission for its recommendation. Failure of the commission to report within sixty (60) days after the referral (or within any longer time set by the council) shall be deemed a recommendation for approval of the modification.

SEC. 36.52.25. Findings.

An amendment to the general plan may be approved only if all of the following findings are made:

a. The proposed amendment is internally consistent with the general plan;

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;

c. The site is physically suitable for the requested/anticipated land use development(s) (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses and absence of physical constraints); and

d. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

SEC. 36.52.30. Precise plans.

The adoption or amendment of a precise plan in accordance with Sec. 36.50.60 shall be considered an implementation of the general plan, providing additional site specific detail to the goals, objectives and land use policies of the general plan.

DIVISION 13. ZONING AMENDMENTS.

SEC. 36.52.35. Zoning amendments.

SEC. 36.52.40. Purpose.

This section describes the procedures for amending the text of this chapter or the official zoning map. Zoning amendments may include changes to the allowed land uses, property development standards or other portions of the zoning text, rezoning property from one zoning district to another or showing for reference the incorporated boundaries of the city or streets, planned streets or property lines.

SEC. 36.52.45. Applicability.

The zoning ordinance covers all of the incorporated area of Mountain View. The zoning map may also include, through prezoning, unincorporated areas that are within the city's defined "sphere of influence," which is the outer boundaries of future incorporation to the City of Mountain View. A prezoning designation shall not restrict the use or development of the property until such time as the area is incorporated into the city. Applications to adopt or amend the zoning ordinance text shall first be

submitted to the city council for determination of the appropriate timing of review of such applications. Applications needed to accommodate a housing proposal where a majority of the units will be affordable to households earning less than the median income by household size for Santa Clara County shall be exempt from this requirement. In conjunction with this submittal for council determination of the timing of review of such application, information about the potential fiscal impact of the proposed land use or development change allowed by the proposed zoning ordinance text amendment shall also be required.

SEC. 36.52.50. Special application requirements.

a. Zoning amendments may be initiated by the director, commission or council and may include any amendment to the text of this chapter or to the official zoning map.

b. An application for a zoning text amendment may be filed by any interested party residing in, owning property or doing business with the city.

c. Unless initiated in accordance with Sec. 36.52.50.a an application to amend the official zoning map designation for a particular parcel may be filed only by the owner or authorized agent of the owner of the subject property(ies).

d. Notwithstanding the above, an application to amend the zoning map to apply the height limitation (-H) overlay zone or the neighborhood design (-ND) overlay zone may be filed by the owners of at least fifty (50) percent of the parcels that would be subject to the overlay zone. In addition, fifty-one (51) percent of the parcels in the -H overlay zone must comply with the height proposed for adoption by the city council, and at least fifty-one (51) percent of the parcels in the -ND overlay zone must have at least one (1) of any of the characteristics proposed to be regulated. If more than one (1) characteristic is proposed to be regulated, at least thirty-five (35) percent of the parcels must have at least two (2) of any of the characteristics proposed to be regulated. Prior to final city council action on the rezoning application, sixty-seven (67) percent of the property owners in the areas subject to the overlay zone, who respond to a mailed ballot, must indicate support for the zone change. However, the city council reserves the right to approve the rezoning without the sixty-seven (67) percent support.

SEC. 36.52.55. Hearings and action.

Upon receipt of an application for a zoning ordinance text amendment, the city council shall schedule consideration of the timing of processing the application. Said consideration shall be scheduled within sixty (60) days of the applicant's submittal of the required material. Information provided to the city council regarding this consideration shall include the applicant's request and application materials as required

by Sec. 36.52.50 and a report from staff noting the estimated resources required to process the application, estimated cost, existing and scheduled city resource commitments, and summary of other general plan, precise plan or zoning considerations affecting topic of the proposed text amendment within the past three (3) years. In determining the appropriate timing of processing the application, the city council shall consider the following:

a. The effect this request may have on other current pending requests and assignments or the ability of staff to handle other anticipated requests or other assignments for amendments;

b. Whether the request should be combined with other requests, deferred until it can be combined with additional requests or otherwise coordinated with other pending amendment considerations;

c. Whether the current application request affects the same or similar text of the zoning ordinance as has been studied within the past three (3) years, particularly with respect to the fairness of committing additional resources to topics that have been studied extensively in the past;

d. Identification of available staff resources to process and study the request, including environmental analysis, and direction to staff to the extent necessary regarding the priority of this request relative to other work items; and

e. The potential fiscal impact of the development allowed by the proposed zoning ordinance text amendment relative to the existing allowed development and the fiscal impact of other projects pending planning study.

Upon receipt of a complete application to amend the zoning ordinance text, or upon initiation by the director, commission or council, and following department review, duly noticed public hearings shall be held before the commission and council in compliance with Sec. 36.56 (Applications, Hearings and Appeals).

Upon completion of its public hearing, the commission shall make a written recommendation to the council on whether to approve, approve in modified form or disapprove the amendment based upon the findings in this article and include its reasons for the recommendation, if appropriate. Prior to the item being forwarded to council, the community development director may withdraw a staff-initiated amendment, or an applicant may withdraw their application from further consideration. The commission, by majority vote, may withdraw a commission-initiated amendment.

Recommendations on amendments that do not require Environmental Impact Reports (EIR) shall be forwarded to the council within ninety (90) days of the public hearing, including any date-specific continuations of the public hearings, unless an extension is agreed to by the applicant. For amendments requiring an EIR, the environmental planning commission's recommendation on the draft EIR and on the proposed amendment shall be forwarded to the council within ninety (90) days of the commission's receipt of the responses to comments on the draft EIR, unless an extension is agreed to by the applicant. No recommendation within this time period shall be considered a recommendation for disapproval, which shall be forwarded to the council.

Upon receipt of the commission's recommendation at a public hearing, the council shall, within sixty (60) days, approve, approve in modified form or disapprove the proposed amendment, unless an extension is agreed to by the applicant.

If the council proposes to adopt an amendment with modifications that were not previously considered by the commission during its hearings, the proposed modifications may first be referred to the commission for its report and recommendation. Failure of the commission to report within sixty (60) days of the date of the referral, or any longer period designated by the council, shall be deemed a recommendation for approval of the modification.

SEC. 36.52.60. Findings.

An amendment to the text of this chapter or the official zoning map may be approved only if all of the following findings are made, as applicable to the type of amendment.

a. Findings required for all amendments:

1. The proposed amendment is consistent with the general plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city; and

3. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

b. **Additional finding for text amendments:** The proposed amendment is internally consistent with this chapter.

c. **Additional findings for map amendments:** The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining

land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

DIVISION 14. DEVELOPMENT AGREEMENTS.

SEC. 36.54. Development agreements.

SEC. 36.54.05. Purpose.

a. This section outlines the procedures and requirements for the review and approval of development agreements pursuant to the California Government Code. A development agreement is a contract between the city and an applicant for a development project provided for in the California Government Code. A development agreement provides assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations and conditions of approval applicable to the project at the time of approval, regardless of any changes to city policies, rules and regulations after such approval. In return, the city is assured that the applicant will provide infrastructure and/or pay fees required by a new project that is constructed over a period of time.

b. In defining the provisions of any development agreement executed in compliance with this section, each provision shall be consistent with the language of this section, state law and the agreement itself. Should any discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order of precedence:

1. The provisions of federal or state law;

2. The plain terms of the development agreement itself; and

3. The provisions of this section.

SEC. 36.54.10. Special application requirement.

In addition to the application requirements of this article, the application shall include:

a. Documentation, data and analysis to show that the agreement provides unique benefits to the city for entering into the agreement;

b. Proposed term of the agreement;

c. Project phasing;

d. Applicable development standards, including uses and densities;

e. Applicant's arrangement for any public improvements to be constructed in consideration for the development agreement; and

f. Any special provisions or clauses the applicant requests to be in the Agreement.

An application for a development agreement may be filed only by a person, or authorized agent of a person, who has legal and equitable interest in the real property which is the subject of the proposed development agreement. The community development director may require an applicant to submit written proof of their interest in the real property or the authority of any agent to act for the applicant.

SEC. 36.54.15. Hearings and findings.

a. Upon receipt of a complete application for a development agreement, the zoning administrator shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). Following conclusion of the public hearing, the zoning administrator shall make a written recommendation to the council. This recommendation shall include a statement that the proposed agreement has been reviewed by the city attorney. The zoning administrator's recommendation shall be based upon the following findings that the development agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any specific plan or precise plan;

2. Is compatible with the uses authorized in, and the regulations prescribed for the land use district in which the real property is located;

3. Is in conformity with public convenience, general welfare and good land use practice;

4. Will not be detrimental to the health, safety and general welfare of the community;

5. Will not adversely affect the orderly development of property or the preservation of property values;

6. Is needed by the applicant due to the complexity, cost or infrastructure requirements for development; and

7. Is advantageous to and benefits the city.

b. Upon receipt of the zoning administrator's recommendation, the city council shall hold the duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). Council shall approve, conditionally approve or disapprove the application or may refer the item back to the zoning administrator for additional consideration and recommendation.

c. Should the council approve or conditionally approve the application, it shall, as a part of its action of approval, direct the preparation of a development agreement embodying the terms and conditions of the application as approved or conditionally approved, and authorize execution by the city manager of the development agreement consistent with that approval.

d. The ordinance shall contain findings that the development agreement is consistent with this chapter, the general plan, California Environmental Quality Act (CEQA) and any applicable precise plans.

SEC. 36.54.20. Content of development agreement.

a. **Mandatory contents.** All development agreements shall contain the following provisions:

1. Duration of the agreement;

2. Permitted uses for the subject property;

3. Density or intensity of the permitted uses;

4. Approved site plans, elevations, floor plans and sections showing the maximum height and size of the proposed building;

5. Provisions, if any, for reservation or dedication of land for public purposes;

6. A tiered amendment review procedure that may incorporate the following:

(a) Zoning administrator sign-off for minor modifications to the development project; and

(b) Approval of major modifications to the development project by the Council.

Procedures for city review of specific project proposals to ensure through conditions of approval or denial of the proposed project that such proposals would not place project occupants or the immediate community, or both, in a condition dangerous to their health or safety, or both. Project proposals covered by this provision include, but are not limited to, new buildings, changes in land or building use, and/or changes in the amount, type or location of storage or use of hazardous materials.

b. **Permissive contents.** A development agreement may include the following:

1. Conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that these provisions shall not prevent development of the land for the uses and to the density/intensity of development specified in the Agreement;

2. Provisions which require that construction shall be commenced within a specified time and that the project or any single phase be completed within a specified time;

3. Terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and

4. Any other terms, conditions and requirements as the council may deem necessary and proper, including, but not limited to, a requirement for ensuring, to the satisfaction of the city, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

SEC. 36.54.25. Execution and recordation.

a. The city shall execute development agreements on or after the date upon which the ordinance approving the agreement is enacted.

b. The city clerk shall have a development agreement or, if permitted, a memorandum of agreement, recorded in the office of the Santa Clara County Recorder no later than ten (10) days after it is executed.

SEC. 36.54.30. Periodic review.

a. Every development agreement approved and executed in compliance with this section shall be subject to periodic city review during the full term of the agreement. Unless a shorter time is specified by the city council, the community development director shall review each development agreement every twelve (12) months from the date the agreement was entered into for compliance with the provisions of the agreement. Appropriate fees to cover the city's costs to conduct the periodic reviews shall be collected from the applicant/contracting party in compliance with Sec. 36.56.15 (Fees).

b. The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the development agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the city.

c. If, as a result of periodic review, the council finds and determines on the basis of substantial evidence that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the council may order, after a noticed public hearing, that the agreement be terminated or modified.

SEC. 36.54.35. Effect of development agreement.

Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, density, and design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement does not prevent the city, in subsequent actions, from applying new rules, regulations and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the city from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations and policies.

SEC. 36.54.40. Amendment, modification or termination.

a. **Amendment or mutual cancellation.** Either party may propose an amendment to, or cancellation in whole or in part, of a development agreement. The procedure for considering an amendment to, or canceling of, the development agreement is the same as for entering into an agreement as set forth in this chapter. When the city initiates the proposed amendment or cancellation, it shall first file

written, mailed notice of such intention to the other party to the agreement at least thirty (30) days in advance of the posted notice.

b. **Noncompliance or termination.** If, upon a finding under Sec. 36.54.30.c, the city council determines to proceed with modifications or termination of the agreement, the city council shall hold a duly noticed public hearing. At the hearing, the other party to the agreement shall be given an opportunity to be heard. The city council may refer the matter to the zoning administrator for further proceeding or for report and recommendation. The city council may impose such conditions to its action as it considers necessary to protect the health, safety and welfare of the community and the interests of the city.

DIVISION 15. DESIGNATION AND PRESERVATION OF HISTORIC RESOURCES.

SEC. 36.54.45 Designation and preservation of historic resources.

SEC. 36.54.50. Council findings.

The city council finds and declares that the recognition, preservation, protection and use of historical resources is in the best interest of the health, prosperity, social and cultural enrichment and general welfare of the city and furthers general plan Goal G, which is to preserve and protect Mountain View's historic resources and encourage their restoration. This program, by providing a system of voluntary compliance and available incentives, will increase the likelihood that historical resources are maintained, restored, enhanced and protected and includes procedures for protection of the environment which, absent this program, may not exist.

SEC. 36.54.55. Definitions.

For the purpose of this article, the following words shall have the meanings set forth in this section:

a. "Character-defining feature" shall mean the distinctive, tangible and physical features or elements which contribute to the overall character of a structure.

b. "Exempt alteration" shall mean an alteration or modification that is determined by the zoning administrator to have limited potential to affect the character-defining features of a historic resource and shall include modifications to the interior, changes to landscaping and the repainting of previously painted surfaces, regardless of color. The zoning administrator may also determine that the following changes are exempt: maintenance or repair of windows, doors, porch elements, chimneys and roofs

with the same or similar designs and materials whether or not the change requires a building permit.

c. "Historic resource" shall mean any building, structure, object or site that the city council has designated for inclusion in the Mountain View Register of Historic Resources.

d. "Mountain View Register of Historic Resources," or "Historic Register," or "Register," or "Initial Register" shall mean the inventory of buildings, structures, objects and sites designated by the city council as historic resources pursuant to the provisions of this ordinance and adopted by council resolution as amended from time to time. The Mountain View Register of Historic Resources shall be the city's only "local register of historical resources" under Public Resources Code §5024.1.

e. "Significant alteration" shall mean an alteration or modification to the exterior that is determined by the zoning administrator as having the potential to affect the character-defining features of the building. It does not include removal of nonhistoric features or additions that may exist on a historic resource.

SEC. 36.54.60. Preservation of resources.

No person shall alter, modify, remove or destroy any historic resource designated pursuant to this article except in compliance with this article.

SEC. 36.54.65. Designation criteria.

A building, structure, site or other improvement may be designated as a historic resource and placed on the Mountain View Register of Historic Resources if the city council finds that it meets one or more of the following criteria:

a. Is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the City of Mountain View;

b. Is the site of a significant historic event in the city's past;

c. Embodies distinctive characteristics significant to the city in terms of a type, period, region or method of construction or representative of the work of a master or possession of high artistic value; or

d. Has yielded, or may be likely to yield, information important to the city's prehistory or history.

SEC. 36.54.70. Designation process for Historic Register.

a. **Initial Register.** The city council may, by resolution, adopt an "Initial Mountain View Register of Historic Resources." Owners of properties on the Register will be notified by certified mail within thirty (30) days of adoption of the ordinance providing for the designation and preservation of historic resources. If the council adopts a Historic Register, all properties, including those designated pursuant to this section, shall be included in the Register.

b. **Initiation by owner.** The property owner may request designation of a building, structure or other improvement as a historic resource. Applications for designation must be accompanied by such historical and architectural information as is required to allow city staff to make an informed recommendation concerning the application. The application shall be filed with the community development department.

c. **Initiation of individual historic resource by the council.** The council may initiate the designation by majority vote which will begin the review process. Within thirty (30) days of the initiation of the designation by the council, the city shall notify the property owner of such application. The application will be processed only if the property owner agrees in writing to such designation.

d. **Public hearings.**

1. **Public hearing before zoning administrator.** For applications initiated pursuant to subsections "b." and "c." above, the zoning administrator shall hold a public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals) to consider the application. The zoning administrator shall review the evidence in support of the application and determine whether the property meets the criteria for designation, and forward a recommendation to the city council on whether the property should be placed on the Register.

2. **Public hearing before city council.** Upon receipt of the zoning administrator's recommendation, the council shall hold a public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals). The council shall review the evidence in support of the application and the recommendation of the zoning administrator and determine whether the property meets the criteria for designation and make a final decision on whether the property should be placed on the Register.

SEC. 36.54.75. Removal from Register.

a. **Removal from Initial Register.** Within six (6) months of the adoption of this ordinance, any property owner may submit a request in writing, on a form

approved by the community development director, that their property be removed from the Register. The application for removal shall be signed by all owners of the property. The director shall determine whether the request for removal is in compliance with this article and shall grant the request if it complies with the requirements of this article.

b. **Removal from Register.** Properties remaining on the Register pursuant to Sec. 36.54.70.a, and following the six (6) month removal period, and properties entered on the Register pursuant to Sec. 36.54.70 "b.," "c." and "d.," shall remain on the Register and cannot be removed for ten (10) years from the initial designation. Every five (5) years thereafter, on the anniversary of the designation, properties may apply for removal. The application shall be submitted and reviewed consistent with subsection "a." above.

c. **Recapture of property tax incentive.** The application for removal of the Historic Resource from the Register shall include a payment for property tax rebates, with interest. The city council, by separate action, shall designate the appropriate interest rate.

d. **Predemolition review.** Prior to the issuance of a demolition permit for any building, which had been designated as a historic resource pursuant to Sec. 36.54.70, the applicant shall meet with city staff to review the alternatives, incentives and options to demolition. The applicant shall be notified in writing of the time and place of the meeting within thirty (30) days of filing a complete application for a demolition permit. The council may, by resolution, require additional historic buildings, not otherwise designated, to go through this review process.

SEC. 36.54.80. Incentives and benefits.

a. Historic resources are eligible for special incentives and benefits as determined and adopted by the city council. The availability of the following incentives and benefits is contingent upon the determination that the approval, exemption or benefit will protect and enhance the character-defining features or retention of the historic resource.

1. Variances pursuant to Sec. 36.46.35;

2. Major floor area ratio exceptions pursuant to Sec. 36.14.90.b;

3. Setback and minor floor area exceptions pursuant to Sec. 36.14.80 and 36.14.90.a;

4. Exemptions from nonconforming uses and structures pursuant to Sec. 36.06.70;

5. Exceptions from requirements of the downtown precise plan;

6. Use of the State Historic Building Code;

7. Mills Act contracts;

8. Exemption from planning, building and historic preservation permit fees related to the historic resource, including, but limited to, the relocation, preservation and rehabilitation of the historic resource;

9. Credit for BMR program requirements, including BMR units and in-lieu fees, where the historic resource is preserved or rehabilitated as part of a residential development;

10. Credit toward park land dedication or fees in lieu thereof; and

11. Approval for condominium conversions of six (6) residential units or less in a single historic resource.

b. The council may also, by resolution or on a case-by-case basis during a public hearing process, determine which of the following additional incentives and/or benefits are appropriate. The incentives and benefits thereby granted shall only be effective during the maintenance of the historic resource.

1. Historic building rehabilitation loan fund; and

2. Rebate of the City of Mountain View portion of the property tax during the designation period. The city's finance and administrative services director shall develop a procedure to facilitate this rebate. The rebate shall be based on the property owner's/property owners' application for the benefit and may be granted on a prospective basis only.

SEC. 36.54.85. Requirement of permit—Development review process.

a. **Applicability.** No person shall make a significant alteration, redevelop, or relocate any structure or improvement, or any portion thereof, upon a property designated as a historic resource on the Mountain View Register of Historic Resources without first obtaining a "historic preservation permit" or HP permit. An HP permit shall remain in effect for four (4) years from the date of approval.

b. **Exceptions.**

1. **Exempt alteration.** A historic preservation permit shall not be required for an exempt alteration. The city council may, by resolution, adopt a list of alterations that are deemed to be exempt alterations.

2. **Hazardous or unsafe conditions.** Construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or other feature or part thereof, where such condition has been declared unsafe or dangerous, in writing, by the chief building official or fire marshal and where said officials have declared the proposed measures necessary on an urgency basis to correct the condition. In no event shall any work be performed which is not absolutely necessary to correct the immediate danger created by the unsafe or dangerous condition, and such work shall be done with due regard for preservation of the appearance of the structure involved.

3. **Ordinary repair and maintenance.** Nothing in this section shall be construed to prevent the ordinary repair and maintenance of any architectural feature of a designated historic resource. The owner of a designated historic resource shall keep and maintain in good condition and repair all exterior portions of the resource and all interior portions whose maintenance is necessary to prevent deterioration and decay of the exterior feature.

4. **Special submittal requirements.** The application shall be submitted to the community development department and, in addition to the application requirements of this division, shall contain information and documentation, including architectural drawings and specifications (site plan, elevations, floor plans and building materials); current photographs, sketches, drawings or other descriptive materials necessary to illustrate the proposed alteration; and any other information, which could include an historical assessment by a professional consultant, as determined to be necessary by the community development department for a complete and adequate application.

c. **Hearings and action.** Applications for HP permits shall be initially reviewed by the development review committee. The development review committee shall forward a recommendation to the zoning administrator, who shall hold a duly noticed public hearing in accordance with Sec. 36.56 (Applications, Hearings and Appeals).

d. **Findings.** The HP permit may be approved or conditionally approved if the following findings are made:

1. The proposed significant alteration will not result in a substantial adverse change in the significance of the historic resource.

2. The proposed significant alteration maintains and enhances the appearance of the community.

SEC. 36.54.90. National and California Register properties.

Alterations to buildings which are eligible for the National Register of Historic Places or the California Register of Historical Resources shall be reviewed pursuant to Sec. 36.54.85 "a.," "b.," "c.," "d." and "e.," and except that the city council shall determine whether to grant an HP Permit and the council must find that the alteration is in substantial compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If an HP Permit is granted, any structure proposed to replace a historic resource shall be subject to design review and approval by the city council.

SEC. 36.54.95. Application of other laws.

Nothing in this article shall be construed to abrogate the California Environmental Quality Act (CEQA) or any other state, federal or local law relative to the preservation of historical resources or the environment.

SEC. 36.54.97. Appeals.

Appeals to the zoning administrator or city council, as applicable, shall be filed and processed pursuant to Sec. 36.56 (Applications, Hearings and Appeals).

DIVISION 16. APPLICATIONS, HEARINGS AND APPEALS.

SEC. 36.56. Applications, hearings and appeals.

SEC. 36.56.05. Purpose.

The following provisions outline procedures and requirements for the filing of applications for permits, entitlements, amendments, and approvals, the procedures for hearings before the zoning administrator, commission and council, and the process for appeals of any requirement, decision or determination made by the zoning administrator, or subdivision committee. Unless otherwise specified in this article, all

applications for permits, entitlements, amendments and approvals required by this article shall be filed in compliance with this section.

SEC. 36.56.10. Filing.

Applications for permits, permit modifications, amendments and other matters pertaining to this chapter shall be filed with the department on a city application form, together with all fees, plans, maps and any other information required by the department. The application may only be made by the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permit under this chapter and who have written authorization from the property owner to make such application. Applications shall include the following:

a. A complete legal description of the subject property.

b. For development proposals:

1. The proposed site development plan indicating: the location of all buildings and structures; the location and types of land uses; paved areas, such as roadways, driveways and walkways; and general landscaping scheme;

2. Architectural drawings of proposed buildings, building additions or other structures. Drawings shall indicate building height, colors, materials, window treatment and other architectural features;

3. Other information as may be required by the zoning administrator or other review authority concerning the proposed development and use of the property and its relationship with adjacent properties; and

4. For development proposals involving two (2) or more acres of land, information regarding the fiscal impact of the proposed development or land use with respect to the fiscal impact of the existing permitted development or land use.

c. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for development review.

d. For precise plan, general plan or zoning map/text amendment proposals:

1. Text or illustrations clearly showing the proposed additions, deletions or other amendments;

2. Written copy of the applicant's description of how the proposed amendment complies with the findings listed in this chapter that pertain to the requested amendment; and

3. For precise plan, general plan or zoning ordinance text amendments, information regarding the fiscal impact of the development or land use proposed to be allowed with respect to the fiscal impact of the existing allowed development or land use.

SEC. 36.56.15. Fees.

The council shall, by resolution, establish a schedule of fees for permits, amendments and other matters pertaining to this chapter. The schedule of fees may be changed or modified only by resolution of the council. The city's processing fees are cumulative. For example, if an application for development review also requires a variance and environmental review, all three (3) fees will be charged. Also, unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees. Review shall not commence on any application until all applicable fees have been paid.

SEC. 36.56.20. Notice of hearing.

a. The public shall be provided notice of hearings in compliance with state law. The notice shall clearly state the general explanation of the matter to be considered, location of the affected property, the date, time and place of the public hearing and the identity of the hearing body.

b. For matters affecting individual properties or small groups of properties such that less than one thousand (1,000) owners are within a three hundred (300) foot radius of the subject site, the city shall provide such notice of hearing by the following methods:

1. Written notice mailed or delivered at least ten (10) days prior to the public hearing to the following:

(a) The owner(s) of the subject site or the owner's authorized agent(s);

(b) The project applicant(s);

(c) Local agencies expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the proposed project;

(d) Owners of real property within three hundred (300) feet of the subject site as shown on the latest equalized assessment roll or other records of the county assessor or recorder which contain more recent ownership information than the equalized roll;

(e) Any individual or entity that has filed a written request with the city clerk requesting notification of public hearings pursuant to this chapter.

2. Publication of the notice of hearing in a newspaper of general circulation within the City of Mountain View or posting of the notice of hearing in three (3) public places, including one (1) place in the area affected by the proposal. The publication in the newspaper or the posting of notices in public places shall occur at least ten (10) days prior to the public hearing date.

c. For matters affecting the entire city or large groups of properties such that more than one thousand (1,000) owners are within a three hundred (300) foot radius of the subject site, the city shall provide such notice of hearing by publication at least ten (10) days prior to the public hearing in a newspaper of general circulation within the City of Mountain View.

d. **Expanded notice for city-owned properties.** In cases where the city is considering the sale or any other change or action involving any city-owned park or open space area, notice of any hearings shall be provided ten (10) days before the hearing as follows, in addition to the notice required by subsections "a." to "c." above.

1. Posting a sign on the affected property;

2. Direct mailing to the owners of property within a radius of three hundred (300) feet, even if more than one thousand (1,000) owners. If the city-owned property is adjacent to any street or highway, or adjacent to or across a street from a single-owner lot of one (1) acre or more, the three hundred (300) foot notification radius shall be measured from the outside boundary of the city-owned site and the adjacent large parcel and the opposite side of any street or highway as if one (1) project site; and

3. Hand-delivery of the public hearing notice to any public or private school within the notification radius.

e. The city may give notice of public hearings in any other manner it deems necessary or desirable.

f. Failure of any individual or entity to receive notice as provided in Sec. 36.56.20 "b." to "e." shall not constitute grounds for any court to invalidate the city actions for which the notice was given.

SEC. 36.56.25. Hearing procedure.

a. Hearings shall be held at the date, time and place for which notice has been given as required in this section.

b. The burden shall be on the applicant to support the approval of the requested action.

c. Any hearing may be continued without renoticing the hearing provided that prior to the adjournment or recess of the hearing a clear public announcement is made specifying the date, time and place to which the hearing will be continued. If the hearing is not continued to a specific date, then the hearing on the continued item shall be renoticed in accordance with Sec. 36.56.20.

d. Summary minutes shall be prepared and made part of the permanent case file.

SEC. 36.56.30. Notice of decision—Zoning administrator.

For applications requiring zoning administrator approval, the zoning administrator may announce and issue his or her decision at the conclusion of the scheduled hearing; may continue the item for additional public hearing; or may defer action by taking the item under advisement and issuing the decision no later than thirty (30) days following the hearing. The decision shall contain applicable findings and any conditions of approval. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the property owner and applicant at the address shown on the application.

SEC. 36.56.35. Recommendation by commission.

For applications requiring commission review, at the conclusion of their public hearing, the commission shall forward its written findings and recommendation to the council for final action. The commission's recommendation shall be mailed to the applicant at the address shown on the application prior to the city council public hearing on the application. Commission recommendations are required for the following applications:

a. Precise plans;

b. General plan amendments;

c. Zoning text/map amendments; and

d. Establishment of new street plan lines.

SEC. 36.56.40. Notice of decision—Council.

For applications requiring council approval, the council shall issue its decision at the conclusion of the public hearing. The decision shall contain the findings of the council and any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety and welfare of the city. The decision of the council shall be final.

SEC. 36.56.45. Effective date.

Development review approvals, temporary use permits, variances, planned unit development permits, conditional use permits, mobile home park permits, transit-oriented development permits, special design permits and planned community permits shall become effective ten (10) days following the date that the findings are adopted by the appropriate review authority. Precise plans, general plan amendments, zoning ordinance/map amendments, and development agreements shall become effective thirty (30) days following the final date of action (e.g., adoption) by the council.

SEC. 36.56.50. Appeals.

Any determination or action under this chapter by the zoning administrator or director may be appealed to the council.

a. **Filing.** All appeals shall be submitted in writing on a city application form, and shall specifically state the pertinent facts of the case and the basis of the appeal. An appeal of a zoning administrator or director action shall be filed in the office of the city clerk within ten (10) days following the date of mailing of the findings. Appeals shall be accompanied by a filing fee in compliance with this section.

b. **Notice of appeal hearings.** Notice of an appeal hearing shall conform to the manner in which the original notice was given.

c. **Effective date of appealed actions.** An action of the zoning administrator or director appealed to the council shall not become final unless and until upheld by the council.

d. **Reapplication.** When an application for a permit or amendment is disapproved, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing twelve (12) months except as

otherwise specified at the time of disapproval. The zoning administrator shall determine in writing whether the new application is the same or substantially the same as the permit or amendment that was disapproved.

DIVISION 17. TIME LIMITS, EXTENSIONS AND REVOCATIONS.

SEC. 36.56.55. Time limits, extensions and revocations.

SEC. 36.56.60. Purpose.

The following provisions specify permit time limits, procedures for extensions of time and revocation of permits.

SEC. 36.56.65. Time limits and extensions.

a. **Time limits.** Unless outlined otherwise in conditions of approval, any permit or entitlement not used within two (2) years of approval shall become void. For phased projects, a permit or entitlement becomes void if there has been no significant construction activity for a period of one (1) year, notwithstanding previous construction activity. The permit shall not be deemed "used" until the permittee has actually obtained a building permit and commenced construction or has actually commenced the permitted use on the subject property in compliance with the conditions of approval.

b. **Request for extension.** Upon receipt of an application for an extension of a valid permit, the zoning administrator shall hold a duly noticed hearing on such proposed extension of a permit. The purpose of the hearing is to determine whether the permittee has made a good-faith effort to comply with the conditions of the permit during the initial two (2) year time limit of the permit or, for phased projects, during any one (1) year period following building inspection of new construction. The burden of proof is on the permittee to establish by a preponderance of substantial evidence that the permit should not expire. If the zoning administrator determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the zoning administrator may renew the permit one (1) time for an additional two (2) years from the expiration date of the original permit. At the time of renewal of a permit, the zoning administrator may modify conditions of approval or add new conditions of approval as may be appropriate to any change in the community since the original approval. The zoning administrator shall render his or her decision no later than thirty (30) days following the hearing.

SEC. 36.56.70. Permit revocation.

The zoning administrator shall hold a duly noticed public hearing in order to revoke or modify any permit or entitlement granted in compliance with the provisions of this chapter. For temporary use permits, the zoning administrator shall mail or deliver written notice of the hearing to the permittee or property owner. For all other permits, ten (10) days prior to the public hearing, notice in writing shall be hand-delivered or mailed using first class, prepaid mail, return receipt requested service to the applicant and/or owner of the property for which the permit was granted and mailed or delivered to the listed owners of real property within three hundred (300) feet of the subject property.

a. **Permit revocation.** A permit may be revoked or modified by the zoning administrator if any one (1) of the following findings can be made:

1. That the permit was obtained by misrepresentation or fraud;

2. That the improvement, use or activity authorized in compliance with the permit had ceased or was suspended for six (6) or more months;

3. That one (1) or more of the conditions of the permit have not been met;

4. That the improvement, use or activity authorized in compliance with the permit is in violation of any statute, ordinance, law or regulation;

5. That the improvement, use or activity allowed by the permit is detrimental to the public health, safety or welfare or constitutes a nuisance; or

6. That the owner or occupant of the property is conducting the use or any associated or other use of the property in violation of the law.

DIVISION 18. URGENCY INTERIM ORDINANCES.

SEC. 36.58. Urgency interim ordinances.

SEC. 36.58.05. Purpose.

An urgency interim ordinance allows the city to respond to an immediate threat to the community's health, safety or welfare that may be presented by proposed modification or establishment of uses or structures through the adoption of temporary regulations or prohibitions of such uses or structures. Such urgency interim ordinances provide the opportunity for the community to more closely evaluate such uses or

structures and to determine through the regular zoning ordinance amendment procedures appropriate new regulations, if any, that may be needed to control such uses or structures to ensure proper protection of the community without such consideration being preempted by the affected development. For purposes of this chapter, an urgency interim ordinance shall mean the same as an emergency ordinance as provided for in City Charter Sec. 514.

SEC. 36.58.10. Applicability.

An urgency interim ordinance may be adopted to temporarily modify or suspend any land use or development regulation of this chapter. This section is adopted as an alternate to the procedure provided for in the California Government Code §65858, et seq., and shall be implemented consistent with state law to the extent specifically applicable to charter cities. Such urgency interim ordinance may be initiated by the city council, the environmental planning commission or the community development director. Such urgency interim ordinance shall regulate or prohibit the issuance of permits for uses or structures which may be in conflict with a contemplated general plan, specific plan, precise plan or zoning ordinance proposal which the city council, environmental planning commission or community development director has initiated or which has been identified to be studied within a maximum of twenty-four (24) months.

SEC. 36.58.15. Hearings and actions.

a. **Votes required.** Urgency interim ordinances shall require five (5) affirmative votes of the city council for adoption or extension.

b. **Urgency adoption.** Without following the procedures otherwise required for the adoption of amendment of the zoning ordinance, and without separate noticing, the city council may adopt, as an urgency measure, an interim ordinance regulating or prohibiting establishment or modification of any specified uses or structures for a period of time as needed to protect the public health, safety or welfare. Said urgency interim ordinance shall be of no further force and effect ninety (90) days from the date of its adoption.

c. **Extensions.** The urgency interim ordinance adopted pursuant to Sec. 36.58.15.b above may be extended from the date of original adoption for twelve (12) months and subsequently extended for an additional twelve (12) months, or for one (1) single aggregate twenty-four (24) month period, after notice pursuant to this section. The notice shall be published in at least one (1) newspaper of general circulation within the city at least ten (10) days prior to the city council hearing. The notice shall indicate the date, time and place of the public hearing, identify the city council as the hearing body, and include a general description of the matter to be considered, and a general

description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing. However, any such extensions of an interim ordinance that has the effect of denying approvals for development of projects with a significant component of multi-family housing shall further comply with the provisions of Government Code Sec. 65858, et seq. regarding specified city council findings required prior to such interim ordinance extension.

d. **Alternate procedure.** As an alternate to the procedure outlined in Sec. 36.58.15 "b." and "c." above, the initial urgency interim ordinance may be adopted, after notice of a public hearing as set forth in Sec. 36.58.15.c, for an initial period not to exceed two (2) years. An urgency interim ordinance adopted under this alternative procedure shall not be extended.

SEC. 36.58.20. Findings.

The city council shall not adopt nor extend an urgency interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety or welfare and that the approval of additional subdivisions, use permits, conditional use permits, variances, planned community permits, building permits or other applicable entitlements for use or construction would result in creating or extending that threat to public health, safety or welfare.

SEC. 36.58.25. Scope of interim controls.

In enacting the urgency interim ordinance, the city council may determine the scope of permits or entitlements regulated or prohibited by the ordinance and may determine that some uses or structures or components of uses or structures may proceed to seek entitlements during the period of the urgency interim controls as set forth in the ordinance. This provision provides the city council with a mechanism for alleviating, as may be appropriate undue hardships that could result from the strict application of the interim controls.

DIVISION 19. PROCEDURES FOR INTERPRETATION.

SEC. 36.58.30. Procedures for interpretation.

SEC. 36.58.35. Response.

The zoning administrator shall respond in writing to any request for interpretation of the provisions of this chapter.

SEC. 36.58.40. Request for interpretation.

The request shall specifically state the provision(s) in question and provide any information to assist in their review.

SEC. 36.58.45. Record of interpretation.

Whenever the zoning administrator determines that the meaning or applicability of any of the requirements of this chapter are subject to interpretation generally or as applied to a specific case, the zoning administrator may issue an official interpretation. Official interpretations shall be:

a. In writing, and shall quote the provisions of this chapter being interpreted and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

b. Distributed to the council, commission, city attorney, city clerk and department staff.

Any provisions of this chapter that are determined by the zoning administrator to need refinement or revision will be corrected by amending this chapter as soon as is practical. Until amendments can occur, the zoning administrator will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the zoning ordinance section that is the subject of the interpretation if policy input is needed to resolve the question.

SEC. 36.58.50. Appeals and referral.

Any interpretations of this chapter by the zoning administrator may be appealed to the council as provided by Sec. 36.56 (Applications, Hearings and Appeals). The zoning administrator may also refer any interpretation to the commission for a determination.

DIVISION 20. ENFORCEMENT OF PROVISIONS.

SEC. 36.58.55. Enforcement of provisions.

SEC. 36.58.60. Purpose.

The following provisions are intended to ensure compliance with the provisions of this chapter and any conditions of approval, to promote the city's planning efforts and for the protection of the public health, safety and welfare of the city.

SEC. 36.58.65. Responsibility.

The city manager, city attorney and community development director shall be responsible for enforcing the provisions of this chapter and any conditions imposed on development permits granted by the zoning administrator or city council and permitted under this chapter.

SEC. 36.58.70. Zoning inspector citation authority.

The city zoning inspector, building inspectors and code enforcement officers shall have the authority to issue a citation for any violation of this chapter, in compliance with City Code Sec. 2.88 (Authority of Zoning Inspectors and Building Inspectors to Make Arrests and Issue Citations).

SEC. 36.58.75. Performance guarantee.

An applicant/owner may be required to provide adequate security for the faithful performance of any/all conditions of approval imposed on a permit by the zoning administrator. This may include a requirement to post a bond in the amount needed to pay for a required improvement, separate written contract for the operation of an ongoing responsibility, recordation of a deed restriction or other such instruments to pay for or ensure the performance of conditions of approval of a permit issued under this chapter.

SEC. 36.58.80. Violations.

Any person, partnership, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision(s) of this chapter or any condition imposed on any entitlement, development permit, map or license, or violating or failing to comply with any order made hereunder, shall be guilty of a misdemeanor in accordance with City Code Sec. 1.7 (Procedure for Enforcement). Any violation of this chapter shall also constitute a public nuisance which may be abated in accordance with the procedures outlined in Chapter 25 of the City Code (Neighborhood Preservation). Any structure or use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the provisions of this chapter is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties specified in Sec. 1.7 (Procedure for Enforcement) and Chapter 25 (Neighborhood Preservation) of the City Code, and/or revocation procedures outlined in Sec. 36.56.55 (Time Limits, Extensions, Revocations). Any permit, certificate or license issued in conflict with this chapter shall be null and void. Any construction in violation of this chapter or any condition(s) imposed on a permit or license shall be subject to the issuance of a "Stop Work Order." Any violation of a duly issued stop work order shall constitute a misdemeanor.

In addition to remedies specified in Chapters 1 and 25 of the City Code, the city attorney may, or upon order of the city council, shall immediately commence actions or proceedings for the abatement and removal and enjoinment in the manner provided by law of any building, structure or use established or maintained contrary to the provisions of this chapter.

SEC. 36.58.85. Remedies are cumulative.

All remedies contained in this chapter for the handling of violations or enforcement of the provisions of this chapter shall be cumulative and not exclusive of any other applicable provisions of city, county or state law.

SEC. 36.58.90. Inspection.

Every property owner or applicant seeking a permit or any other action in compliance with this chapter shall allow the city officials handling the application access to any premises or property which is the subject of the application. If the permit or other action in compliance with this chapter is approved, the owner or applicant shall permit appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions imposed by the zoning administrator.

SEC. 36.58.95. Enforcement fees.

The city may impose fees on a permittee/licensee to cover the full costs incurred by the city for the monitoring and enforcement of the requirements of this chapter as well as those conditions and mitigation measures imposed on an approved permit, entitlement, or license.

ARTICLE XVII. DEFINITIONS.

DIVISION 1. PURPOSE.

SEC. 36.60. Purpose.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance, and words used in the present tense include the future; the singular number shall include the plural, and the singular; the word "building" shall include the word "structure," the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used, and the word "shall" is mandatory and not directory.

DIVISION 2. DEFINITIONS.

SEC. 36.60.03. Definitions of specialized terms and phrases.

SEC. 36.60.05. Definitions - "A"

Administrative office. Offices and service facilities performing headquarters, regional or other organizational management and administrative services for firms and institutions.

Accessory retail uses. The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of a health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory structure, open. An accessory structure with no building walls or features that effectively enclose space, that may contain a roof, such as trellises or arbors.

Accessory use or structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the City of Mountain View Disaster Container Guidelines.

Adult entertainment establishment. "Adult entertainment establishment" means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of "Adult entertainment enterprise," "Adult bookstore," "Adult motion picture theater," "Adult cabaret" and "Adult theater" contained in Sec. 26.52 shall govern.

Agent of owner. Any person who can show written authority that he/she is acting for the property owner.

Agriculture. The principal use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries and animal husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory

use shall be incidental to that of normal agricultural activities and, provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley or lane. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Animal service establishment. Any commercial business providing services and care to animals, including, but not limited to, pet day care, pet hotel, kennel, veterinary clinic, animal hospital, and pet grooming. Does not include retail pet stores (see "Retail stores, general merchandise") and exempts private animal kennels in accordance with Chapter 5 of the City Code.

Antennas, communications facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone and data network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

a. Home television and radio receiving antennas, including noncommercial satellite dish antennas for home use, which are included under "Residential accessory uses."

b. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections with no wireless component(s), which are included under "Pipelines and utility lines."

Apartment. A dwelling unit in a multi-family building.

Auto, mobile home, vehicle and parts sales. Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under "Retail stores, general merchandise"). Also includes stores selling new automobile parts, tires and accessories (does not include tire recapping establishments, which are found under "Repair and maintenance—vehicle"), as well as businesses dealing in used automobiles exclusively. May include an open lot for display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under "Recycling—scrap and dismantling yards." Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include "Service stations," which are separately defined.

Automatic teller machine (ATM). A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.

Automobile repair, major. All repair and servicing or maintenance work not provided for under "Automotive repair, minor," including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one and one-half (1-1/2) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations, including an open flame or welding.

Automobile repair, minor. The general servicing and maintenance of passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "Automotive repair, major."

Automobile wrecking. The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

SEC. 36.60.07. Definitions - "B"

Banks and financial services. Financial institutions, including banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also "Automatic teller machine."

Bars and drinking places. A building or tenant space within a building where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcohol. May include entertainment such as live music and/or dancing if specifically permitted.

Boarding or lodging house. A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.

Boat yard. A place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building lot. A lot occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, together with such open spaces as are required by this chapter, and having a required frontage on a street; or a planned unit development approved by the zoning administrator under the provisions of Sec. 36.46.70 of this chapter.

Building, main or principal. A building in which is conducted the principal use of the building site on which it is situated.

Building material stores. Primarily indoor retail establishments selling lumber and other large building materials and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail stores, general merchandise"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, air-conditioning equipment and supplies to contractors or to other wholesalers are classified in "Wholesaling and distribution."

Business support services. Establishments primarily within buildings providing other businesses with services, including maintenance, repair and service, testing, rental, etc., also includes:

Business equipment repair services (except vehicle repair, see "Repair and maintenance—vehicle").

Commercial art and design (production).

Computer-related services (rental, repair).

Copying, quick printing and blueprinting services.

Equipment rental businesses within buildings (rental yards are "Storage yards and sales lots").

Film processing laboratories.

Heavy equipment repair services where repair occurs on the client site.

Janitorial services.

Mail advertising services (reproduction and shipping).

Other "heavy service" business services.

Outdoor advertising services.

Photocopying.

Photo finishing.

Protective services (other than office-related).

Soils and materials testing laboratories.

Window cleaning.

SEC. 36.60.09. Definitions - "C"

Camp car. A vehicle with or without motive power that is designed or used for human habitation.

Camper. A structure intended for human habitation that is designed to be carried in the cargo space of a separate motor vehicle when in use.

Cemeteries, columbariums and mortuaries. Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

Child-care centers. A commercial or nonprofit facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. This includes infant centers, preschools, sick-child centers and school-age child-care facilities but does not include small- and large-family child-care homes. Child-care centers may

be operated in conjunction with a school or church facility or as an independent land use.

Child-care facilities. A facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. Child-care facilities include small-family child-care homes, large-family child-care homes and child-care centers. Child-care facilities are required to be licensed by the California State Department of Social Services.

a. **Small-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision for up to six (6) children for periods of less than twenty-four (24) hours per day. Children under the age of ten (10) years who reside at the residence are counted in the six (6) children maximum for small-family child-care homes.

b. **Large-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision of seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours. Children under the age of ten (10) years who reside in the residence are included in the number of children served by the large-family child-care home.

Churches. Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.

City council. The city council of the City of Mountain View, California.

Commercial coach. A vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Commission or **planning commission.** The environmental planning commission of the City of Mountain View, California.

Community center. Multi-purpose meeting, banquet and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community development director. The director of the community development department of the City of Mountain View.

Community service organization. Any organization, group, society, corporation, institution or other entity, organized solely for religious, charitable, educational, scientific or literary purposes, no part of the net earning of which benefits any private stockholder or individual.

Construction contractors (contractors yard). Storage yard operated by, or on behalf of, a contractor licensed by the State of California for storage of large equipment, vehicles or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Convalescent hospital. See "Medical services—extended care."

Cottage food operation. An operation as defined in Health and Safety Code §113758, and as may be amended, which maintains a valid business license with the City of Mountain View and is registered and/or permitted by the County of Santa Clara Department of Environmental Health.

Court. An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Crop and tree farming. The use of land for horticultural uses.

SEC. 36.60.11. Definitions - "D"

Density Bonus. In accordance with state density bonus law, an allowance to exceed the maximum allowable residential density on a property in exchange for providing affordable units for households with a specific income level or for seniors.

Disaster storage container. An independent self-contained storage container for the sole purpose of storing disaster supplies, such as water, food, blankets, cots and emergency medical and rescue supplies, inspected and regulated by the City of Mountain View fire department.

District. A portion of the territory of the City of Mountain View within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. Also known as a "zoning district."

a. Where certain uses are required to be a specified distance from "any R district" as provided in this chapter, the term "any R district" shall include any R1, R2, R3, R4 or RMH district, or any A district, P district or portion thereof designated for future residential uses in the Mountain View general plan.

b. The term "any C district" shall include any CN, CS, CO, CRA district.

c. The term "any M district" shall include any ML or MM district.

Drive-in and drive-through sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. Such facilities include fast-food restaurants, drive-through dairies, etc.

Drive-in and drive-through services. Facilities where services may be obtained by motorists without leaving their vehicles. Such facilities include drive-up teller windows in banks, etc. Does not include: automatic teller machines (ATMs) or service stations, which are separately defined, or car washes, which are included in the definition of "Repair and maintenance—vehicle."

Duplex. A detached structure under single ownership containing two (2) dwellings.

Dwelling group. A group of three (3) or more detached dwellings having any yard or court in common.

Dwelling or **dwelling unit.** A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one (1) kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multiple-family dwellings, mobile homes, townhouses and rowhouses, all of which are separately defined.

SEC. 36.60.13. Definitions - "E"

Efficiency studio. An efficiency studio is a commercial facility where individual secure rooms with a minimum size of one hundred fifty (150) square feet and a maximum size, excluding the manager's unit, of four hundred (400) square feet are rented to a one (1) or two (2) person household for a weekly or monthly period of time. Efficiency studio developments are characterized by having a single point of ingress for tenants which is staffed twenty-four (24) hours a day. No external entryways to individual units are allowed.

Emergency housing. A facility or use, which provides temporary housing (six months or less) for homeless individuals or families. No individual or household may be denied emergency shelter because of inability to pay.

Extremely hazardous materials. Materials that are extremely toxic and listed in the Code of Federal Regulations, Title 40, Chapter I, Subchapter J, Part 355, "Emergency Planning and Notification," Appendix A (as referenced in California Health and Safety Code, Division 20, Chapter 6.95, Article 2, §25532) and that exceed the following thresholds for the total quantity of materials within the facility for any of the following extremely hazardous materials:

a. Extremely hazardous gases or liquids that act as a gas upon release at normal temperature and pressure (70°F and 760 mm Hg) as specified in the City of Mountain View toxic gas ordinance, Chapter 24, Mountain View City Code;

b. Extremely hazardous liquids (not included in the previous definition) that are at or above the threshold planning quantity (TPQ) as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A, for any single extremely hazardous material; and

c. Extremely hazardous solids that are at or above the TPQ as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A. When two (2) TPQs are listed, the lower TPQ applies to solids in powder form (particle size less than one hundred (100) microns, or handled/stored in solution or molten form, or meets the NEPA criteria of 2, 3, or 4 reactivity).

SEC. 36.60.15. Definitions - "F"

Filling station or **automobile service station.** A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

Flag lot. An interior lot which is located behind another lot and which has access to a public street by means of a narrow driveway or flag "pole," which is a part of the flag lot.

Floor area ratio (FAR). The ratio of gross floor area to lot area.

Food products (land use). Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

a. Bakery products, sugar and confectionery products (except facilities that produce baked goods only for on-site sales with no wider distribution which are included under "Retail stores, general merchandise");

b. Beverage and liquor production (except in wineries, which are included under "Ag processing"; and beer brewing as part of a brew pub, bar or restaurant, which are included under "Bars");

c. The bottling, canning, preserving and related processing of products for human consumption, but not including animal slaughtering or rendering; and

d. Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

(Operations on crops after harvest are included under "Agricultural processing uses.")

Frontage, building or occupancy. The length of that portion of a building or ground-floor occupancy which abuts a street, publicly used parking area or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

Frontage, lot. The length of that portion of a lot which abuts a street expressed in lineal feet and fraction thereof.

Fuel and ice dealers. Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

Furniture and fixtures. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and wood products."

Furniture, furnishings and home equipment stores. Stores primarily selling: home furnishings such as furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems; and outdoor furniture, such as lawn furniture,

movable spas and hot tubs. Also includes the retail sale of office furniture and large musical instruments.

SEC. 36.60.17. Definitions - "G"

Garage or carport. A permanently constructed building, available for the parking of a motor vehicle, with covered roof, having inside dimensions not less than nine (9) feet wide and twenty (20) feet long with necessary paved area for access.

General plan (Mountain View). The general plan for the City of Mountain View, California, as amended, prepared in accordance with California Government Code Article 6 (Preparation, adoption and amendment of the general plan).

Grade. The lowest point of the elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall.

Gross floor area. The floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.

SEC. 36.60.19. Definitions - "H"

Habitable trailer. A generic term for any of those vehicles for human habitation which are designed to be mobile but which do not contain their own motive power. See definitions for "Camp car" and "Mobile home."

Height of building, nonresidential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

Height of building, residential. The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the ridge for gable, hip or gambrel roofs, excluding chimneys or vents.

Height of wall, nonresidential. The vertical distance from the grade along a given wall to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roof.

Height of wall (or wall plate), residential. The vertical distance from the grade along a given wall to the top of the wall plate.

Highly sensitive uses. A facility that is principally intended to be occupied by more than twelve (12) children under the age of thirteen (13) years, or more than six (6) nonambulatory, physically disabled or mentally impaired senior citizens, and other similar facilities with populations which would be difficult to evacuate in the event of an unauthorized release or discharge of an extremely hazardous material and who are physiologically more sensitive to exposure to toxic materials than the general population.

Home occupation. A use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Sec. 36.28.75.

Hospital. See "Medical services—hospitals."

Hotels and motels. Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, restaurants and meetings rooms, etc.

SEC. 36.60.21. Definitions - "I"

Illumination, indirect. Illumination from sources concealed behind opaque surfaces, including, but not limited to, concealed floodlighting, remote source lighting, recessed cove lighting and reverse pan channel sign letters.

Illumination, interior. Illumination from behind a translucent surface.

Illumination, light source. Illumination from visible light sources, including, but not limited to, exposed neon tubing or exposed incandescent or fluorescent lamps.

Indoor recreation and fitness centers. Primarily indoor establishments providing amusement, entertainment or physical fitness services for a fee or admission charge, including: arcades containing coin-operated amusements and/or electronic games (five (5) or more such games or coin-operated amusements in any establishment are considered an arcade as defined herein; four (4) or less are not considered a land use separate from the primary use of the site); card rooms; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms that are principal uses rather than being subordinate to a bar or restaurant; fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa or hot tub facilities; indoor tennis, handball,

racquetball, archery and shooting ranges; and other indoor sports activities. Does not include billiard rooms, which are separately defined (see "Pool or billiard room").

Intersection, controlled. Those intersections where movements in the right-of-way are controlled by traffic control devices, such as, but not limited to, a traffic signal, a stop sign, and a yield sign.

Intersection, uncontrolled. Those intersections without any traffic control devices to control movements in the right-of-way.

SEC. 36.60.23. Definitions - "J"

Junkyard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

SEC. 36.60.25. Definitions - "K"

SEC. 36.60.27. Definitions - "L"

Laundries and dry cleaning plants. Service establishments primarily engaged in high-volume laundry (serving multiple locations) and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaners (which includes self-contained facilities with dry-cleaning equipment serving the specific location only) which are classified in "Personal services."

Lot. A parcel of land used or capable of being used under the regulations of this chapter, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot area. The computed area contained within the lot lines, said area to be exclusive of street rights-of-way, but including portions held in fee title in the same ownership which may have easements for such purposes as utilities or flood control channels. The area of new public streets dedicated as part of a project shall be included in the calculation of lot area as part of a planned unit development or planned community, or as determined by the subdivision committee or city council.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, coverage. That percentage of the total lot area covered by structures as herein defined.

Lot, depth. The mean horizontal distance between the front and the rear lot lines.

Lot, key. A lot to the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

Lot line, front. The front lot line on a corner lot shall be the line with the shortest frontage unless, at the time of development, the longer frontage is designated by the owner to be the front. When a lot runs through from one (1) street to another, both lot lines shall be construed to be front lot lines, and the lot may have no rear lot line.

Lot lines. The property lines bounding the lot.

Lot width. The mean horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

Low-income and very low-income household. "Low-income" means any household whose income is fifty (50) to eighty (80) percent of the median household income for Santa Clara county, and as adjusted for family size. "Very low-income" means any household whose income is less than fifty (50) percent of the median income for the Santa Clara county, and as adjusted for family size. Housing affordable to low-income and very low-income persons is where the total monthly housing cost does not exceed thirty (30) percent of the gross household income.

SEC. 36.60.29. Definitions - "M"

Medical offices. See "Medical services—clinics and laboratories."

Medical services. Any services where medical assistance, care, and support are provided to an individual to diagnose, maintain, treat or improve health. These services can include, but are not limited to, massage therapy, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services and skilled nursing facilities.

Medical services—clinics and laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "Offices"); medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Small-scale clinics include no more than two (2) separate health-care businesses (i.e., two (2) separate doctors' offices not sharing reception/waiting facilities). Large-scale clinics include three (3) or more health-care businesses and may also include accessory retail pharmacies.

Medical services—extended care. Residential facilities providing nursing and health-related care as a principal use with inpatient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "Residential care homes."

Medical services—hospitals. Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment, including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of "Accessory retail uses," and emergency heliports).

Meeting halls. Facilities that may be rented for public assembly.

Membership organization facilities and meeting halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging); political organizations; country clubs (golf courses treated as a separate land use); and other membership organizations.

Mixed-use development. The development of a site or structure with two (2) or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

Mobile home. A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Mobile home lot. A prepared plot of land within a mobile home park used or designed to be occupied by one (1) and only one (1) mobile home and its accessory structures.

Mobile home park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation for either sleeping or living, irrespective of whether or not rent is charged for such accommodation.

Mobile food vendor. As defined in city code Sec. 15.12, any mobile vendor who sells or offers for sale food, and includes any person who engages in such operations as an agent or employee of a food vendor.

Mobile vendor. As defined in city code Sec. 15.12, any person who, on or along any street or sidewalk, or operating any vehicle or other mobile unit on private property, sells or offers for sale any goods, wares, merchandise, services, food, or other things of value from a cart, stand or other structure, from his/her persons, or from a vehicle or other mobile unit, and includes the person who engages in such vending operations as an agent or employee. Does not include outdoor retail sales of adjacent businesses.

Mobile vending, special event. As defined in city code Sec. 15.12, any event or location, other than on a street or sidewalk, on any individual (or contiguous) property(ies) at which four (4) or more mobile vendors are operating at the same time, or total mobile vending operations on any individual (or contiguous) property(ies) exceeds four (4) hours within a twenty-four (24) hour period.

Motel, including hotel and motor hotel. A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

Multiple-family development. Multiple-family development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for three (3) or more families living independently of each other. Includes: triplexes and fourplexes (buildings under one (1) ownership with three (3) or four (4) dwelling units in the same building) and apartments (five (5) or more units under one (1) ownership in a single building); senior-citizen multiple-family housing; and common-ownership, attached-unit projects such as condominiums. Duplexes and townhouses are separately defined and treated as different land uses by this chapter.

SEC. 36.60.31. Definitions - "N"

Nonconforming structure. Any building or structure or part thereof lawfully existing at the time of adoption of this chapter which is manifestly designed or arranged

for a nonconforming use or any building, structure or part thereof which does not conform to the property development standards, including building height, yards, distances between buildings, density, parking, lot coverage, open green area, signs or other similar regulations of the district in which it is located.

Nonconforming use. The use of any land or structure lawfully existing at the time of adoption of this chapter, or any amendment thereto, which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

Nursing home. Any institution, place, building or agency which maintains and operates organized facilities for one (1) or more persons, but not more than nineteen (19) persons, for the care and treatment of human illness, including convalescence and care for the aged, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer.

SEC. 36.60.33. Definitions - "O"

Occupancy. That portion of a building occupied by one (1) tenant.

Offices. A facility used for business or personal services involving information processing, clerical work, consulting and record-keeping rather than sale or manufacturing of goods. The term "office" shall include, but not be limited to, general business offices and personal service offices such as tax preparation offices and real estate office, but does not include banks and other financial offices, medical, dental or related health-care services, administrative offices or research and development uses (see definition "Research and development").

Offices, research and development. A specific type of office use devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes some laboratory space or other small-scale manufacturing operations. This definition includes software and Internet companies and other similar uses.

One and one-half (1-1/2) story residential structure. A residential structure where a top second floor is housed within a gable or hip roof structure, with a maximum vertical distance of twenty (20) feet from sidewalk grade to the highest ridge line of the roof.

Open area. The land area within a developed site that is not covered by buildings, paving dedicated to auto use, or garbage and refuse facilities. Open area is intended for active and passive recreational use and to provide access to the natural environment. Landscaping is the primary and preferred use of open area, but it may

also include hard surfaces such as patios, decks, balconies, walkways, game courts, bicycle parking areas, swimming pools and associated structures that are not fully enclosed that are consistent with these purposes.

Open automobile dedicated area. That land reserved for the ingress, egress or parking of motor vehicles on any parcel. This does not include the land considered as aggregate floor area.

Outdoor commercial recreation. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: amusement, theme and kiddie parks; drive-in theaters; golf driving ranges independent from golf courses; miniature golf courses (golf courses are considered a separate land use); skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g., nonhighway motor vehicles, roller skates); health and athletic clubs with predominantly outdoor facilities; tennis courts, swim and tennis clubs; and zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including, but not limited to, bars and restaurants, fast-food restaurants, video game arcades, etc.

Outdoor retail sales and activities. Permanent outdoor sales and rental establishments, including autos, other vehicles and equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor retail sales, temporary. Temporary outdoor retail operations, including: farmer's markets; seasonal sales of Christmas trees, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Vendors operating within the public right-of-way and sidewalk cafés are subject to the provisions of Divisions III and IV and Chapter 15 of the City Code.

SEC. 36.60.35. Definitions - "P"

Parking area, public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking space. A permanently surfaced and marked area not less than eight and one-half (8-1/2) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

Personal services. Establishments providing nonmedically related services, including beauty and barber shops; shoe repair shops; tanning salons; Laundromats

(self-service laundries); dry cleaners (includes self-contained facilities with dry-cleaning equipment serving the specific location only); clothing rental; and psychic readers. These uses may also include accessory retail sales of products related to the services provided.

Personal storage facilities. A facility consisting of a building or group of buildings that contains generally small, individual, compartmentalized stalls or lockers designed and constructed for the purpose of being rented as individual storage spaces and characterized by low parking demand.

Pipelines and utility lines. Transportation facilities for the conveyance of: crude petroleum; refined petroleum products such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified under "Offices"), distribution substations (classified under "Public utility facilities").

Planned unit development permit. A discretionary land use permit issued after a process for reviewing a project containing nontraditional or unique site plan design and interrelated structures, amenities, open space or access, on a shared common lot(s) with individual units fronting a common area or driveway or street, reviewed by the zoning administrator in compliance with Sec. 36.46.70, Planned unit development permits. This process affords maximum flexibility and diversity in site planning, structure height and location while protecting the basic integrity and character of the zoning district designation on the property. The planned unit development process cannot be used to approve a project that exceeds the maximum density for the zone district.

Pool or billiard room. For the purposes of this chapter, the term "pool or billiard room" shall have the same definition as set forth in Chapter 26, Article II of the Mountain View City Code.

Poultry farm. Any premises used for the breeding, raising or maintaining of poultry for sale of eggs or poultry.

Precise plans. A document usually comprised of maps, pertinent data and text, standards and criteria, which pertains to a limited area of the community and which serves to bridge the gap between broad policies reflected in the general plan and the

more immediate means of implementation. A precise plan may be adopted for the P (planned community) district for this purpose.

Printing and publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Public safety facilities. Facilities operated by public agencies, including fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public utility facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one (1) transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code §53091: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; community wastewater treatment plants, settling ponds and disposal fields; corporation and maintenance yards. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

SEC. 36.60.37. Definitions - "Q"

SEC. 36.60.39. Definitions - "R"

Recreational trailer park. Any area or tract of land where one (1) or more lots are rented or leased or held out for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recreational vehicle. A camp car, mobile home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures; bath and toilet rooms and is identified as a recreational vehicle by the manufacturer.

Recycling facilities:

a. **Collection facility.** A center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may include the following:

1. Reverse vending machine(s);

2. Small collection facilities which occupy an area of three hundred fifty (350) square feet or less and may include:

(a) A mobile unit;

(b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and

(c) Kiosk-type units which may include permanent structures.

3. Large collection facilities which may occupy an area of more than three hundred fifty (350) square feet and may include permanent structures.

b. **Convenience zones.** An area within a one-half (1/2) mile radius of a supermarket.

c. **Mobile recycling unit.** An automobile, truck, trailer or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

d. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the land use definition of "Recycling, scrap and dismantling yards":

1. Light processing facility occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers; and

2. A heavy processing facility is any processing facility other than a light processing facility.

e. **Recycling facility.** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.

f. **Recycling or recyclable material.** Reusable domestic containers, including, but not limited to, glass, metals, paper and plastic, which are intended for reconstitution, remanufacture or reuse for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.

g. **Reverse vending machine.** An automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. Multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time and will pay by weight instead of by container.

h. **Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings, pawn shops and other secondhand stores, the sale of operative used cars or terminal waste disposal sites.

Remnant parcel. A parcel that is less than five thousand (5,000) square feet in area which was created by an action of a public agency, such as for a right-of-way, easement, street dedication or an abandonment.

Repair and maintenance—consumer products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; reupholstery and furniture repair. Does not include shoe repair (included under

"Personal services"). Does not include businesses serving the repair needs of heavy equipment, which are included under "Business support services."

Repair and maintenance—vehicle. This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes) or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes tire recapping establishments. Does not include: automobile parking (see "Vehicle storage"), repair shops that are part of a vehicle dealership on the same site, which are included under "Auto, mobile home, vehicle and parts sales" service stations, which are separately defined; or automobile dismantling yards which are included under "Recycling—scrap and dismantling yards." Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair; i.e., car washes, muffler and radiator shops, quick-lube, etc. (See "Automotive repair, minor" and "Automotive repair, major.")

Restaurant (land use). The retail sale of food and beverages that are prepared on the same premises. Types of restaurants include:

a. **Counter service.** A restaurant where a customer orders and picks up the food at a central counter and where the restaurant maintains tables or counters for on-premise consumption of the food and beverages. This definition does not include the serving of single specialty items such as ice cream, restaurants where food is prepared and sold but not consumed on the premises (see "Take-out" below), but does include the counter service portion of restaurants providing both counter and table service.

b. **Fast food.** Franchised or independently operated restaurants where customers are served prepared food from an ordering counter or drive-through aisle, for either on- or off-premise consumption.

c. **Table service.** A restaurant where orders are placed and prepared food is brought to a customer for consumption at a table or counter maintained by the restaurant.

d. **Take-out.** A restaurant that provides no tables or counters on the premises for the consumption of food otherwise prepared and served on the premises.

Retail food establishment. Any building, structure or establishment used for the preparation of food but which provides no tables or counters on premises for the consumption of food, thereby requiring a customer who purchases food to take food off premises for consumption.

Retail stores, general merchandise. Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include, but are not limited to:

Artists' supplies.
Auto parts (not repair or machine shops).
Bakeries (retail only).
Bicycles and mopeds.
Books.
Cameras and photographic supplies.
Clothing and accessories.
Department stores.
Drug and discount stores.
Dry goods.
Fabrics and sewing supplies.
Florists and houseplant stores (indoor sales only—outdoor sales are "plant nurseries").
General stores.
Gifts, novelties and souvenirs.
Handcrafted items (stores may include crafting operations subordinate to sales).
Hardware.
Hobby materials.
Jewelry.
Luggage and leather goods.
Musical instruments, parts and accessories.
Newsstands.
Orthopedic supplies.
Pet stores.
Religious goods.
Small wares.
Specialty shops.
Sporting goods and equipment.
Stationery.
Toys and games.
Variety stores.

Roadside stand. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Rowhouse development. A rowhouse is a one (1) family dwelling in a row of such units, where each unit has its own front access which is usually above grade, no unit is located over another unit (except for minor deviations of a unit located partially

above another unit approved as part of a condominium plan) and each unit is either in an attached configuration or separated by no more than ten (10) feet. The garage is at the rear of the unit with visitor parking located along internal streets, in lots or separate buildings. Private open space may be limited to a porch, patio, front yard or deck.

SEC. 36.60.41. Definitions - "S"

Schools—college and university. Community colleges, public or private universities and professional schools granting associates art degrees, certificates, undergraduate and graduate degrees and requiring admission for admission at least a high school diploma or equivalent general academic training and not otherwise defined as a private educational facility.

Schools—private. Any educational institution, not under public administration, including: privately owned schools and schools owned and operated by religious organizations or other similar activity or pursuit. This definition does not include community or junior colleges, colleges or universities.

Schools—public. A building or group of buildings for educational and/or classroom purposes operated in the Mountain View Whisman Elementary School District, Mountain View-Los Altos Union High School District or other public education institutions, such as charter schools, offering a general course of study at primary, secondary or high school levels which offers instruction in those courses of study required by the California Education Code.

Schools—specialized education and training. Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized nondegree-granting schools offering such subjects as: art, drama, language, music, driver education, ballet and other dance and after-school tutoring centers. Also includes seminaries and other facilities exclusively engaged in training for religious ministries, and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).

Secondhand stores. Indoor retail establishments that buy and sell used products, including, but not limited to, books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under "Auto, mobile home, vehicle and parts sales."

Senior care facility. Communities designed for seniors, including, but not limited to, senior independent living communities, assisted living and nursing homes, or similar uses as determined by the zoning administrator.

Service station. A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales (if permitted in the applicable zoning district). May also include accessory towing and trailer rental services spaces (if permitted in the applicable zoning district), but not the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

Shopping center. A building or buildings in which are situated no less than five (5) separate tenants or occupants whose combined gross floor area totals at least twenty thousand (20,000) square feet where no more than ten (10) percent of such tenants' or occupants' combined gross floor area is devoted to restaurant use, where the zoning administrator determines that such tenants or occupants are engaging in compatible uses and which uses are located on the same lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access.

Sign. Any card, cloth, glass, metal, painted, paper, plastic, wooden or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement, building, structure or thing, for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity or building, including, but not limited to, clocks, barber poles and similar devices, and excluding official notices issued by a court or public officer.

Sign area. The calculated area of all parts and surfaces of a sign except the supporting structure. The sign area shall be measured by means of a single rectangular or circular shape that encloses all sign elements. For signs with more than one (1) side that is visible to the public, the sign area shall be the total of the calculated area of all sides.

Sign, decorative graphics. Decorative graphics shall be defined to include any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device which identifies the specific business or products or services offered on the premises or which relates to the contents of the building-mounted sign. This section shall apply only to commercial signs.

Sign, directional. Any sign the sole purpose of which is to regulate the flow of pedestrians and vehicles on private property.

Sign, freestanding. Any sign not entirely supported by a building.

Sign, identification. Any sign the sole purpose of which is to identify the appurtenant premises, the occupant of the premises or the principal business conducted on the said premises or the principal product sold or service performed on the said premises.

Sign, nonappurtenant. Any sign which does not relate to, or which relates only incidentally to, the occupant of the appurtenant premises or the principal business conducted thereon or the principal product sold or service performed thereon.

Sign, real estate. Any sign the purpose of which is to declare the appurtenant real property for rent, lease or sale.

Sign, window. Window signs shall include any graphics material, words or symbols attached to the glass surface of a building or located within four (4) feet of the inside surface of a window that is viewable by the public. Window graphics and displays complying with Sec. 36.36.15.j shall not be considered "window signs."

Significant tobacco retailers. Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location. This definition shall not include cigar stores which qualify for exemption under City Code Sec. 21.61.

Single-family dwellings. A detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

Small-lot, single-family development. Small-lot, single-family development consists of two (2) or more detached single-family dwellings within a planned unit development project on individual lots that typically average between three thousand six hundred (3,600) square feet to four thousand three hundred (4,300) square feet per lot.

Storage, accessory. The indoor storage of various materials on the same site as a principal building or land use which is other than storage which supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

Storage containers. Cargo, shipping and/or containers which are designed for the storage or transportation of goods by sea, air, rail or truck and can include commercial truck bodies, with or without wheels.

Street. Publicly maintained right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Supergraphics. Painted or otherwise colored, specific symbols, shapes or devices on the walls of a building wherein the primary intent is decoration and architectural enhancement of a building. Supergraphics shall not be used to convey information about a specific occupant of a building or of a specific type of use within a building, or specifically direct attention to the identification sign or signs of a tenant within a building or of the building itself.

Supportive housing. A facility or use that provides housing with no limit of stay, that is occupied by the target population, as defined in California Health and Safety Code §53260(d), and that is linked to on-site or off-site services that assist the tenant to retain the housing, improve his or her help status, maximize their ability to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses if the same type in the same zone.

Swimming pool. Any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet.

SEC. 36.60.43. Definitions - "T"

Theaters. Indoor facilities for public assembly and group entertainment other than sporting events, such as: public and semipublic auditoriums, exhibition and convention halls, civic theaters and facilities for "live" theater and concerts, motion picture theaters and similar public assembly uses.

Townhouse development. A group of two (2) or more attached single-family dwellings where each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from others by one (1) or more common and fire-resistant walls and owners have fee simple title to the property and each has a private "open area."

Trailer. Any unit used or designed to be used for living or sleeping purposes, or both, and which is designed to be equipped with wheels or similar devices used, or to be used, for the purpose of transporting said unit from place to place, in compliance with the provisions of the California Vehicle Code, whether by motive power or other means.

Trailer park. Any place, area or tract of land upon which one (1) or more trailers are used for human habitation, either sleeping or living; irrespective of whether or not rent is charged for such accommodation.

Transit stations and terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transitional housing. A facility or use that provides housing accommodations and support services for persons or families, but restricts occupancy to no more than twenty-four (24) months. Support services may include meals, counseling and other services, as well as common areas for residents of the facility. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type and zone.

SEC. 36.60.45. Definitions - "U"

SEC. 36.60.47. Definitions - "V"

Vehicle storage. Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. (All principal uses are considered to include any customer or public use of off-street parking required by this ordinance). Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, scrap and dismantling yards").

Veterinary clinics and animal hospitals. Any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury.

SEC. 36.60.49. Definitions - "W"

Wall plate. The top most structural element of a wall frame.

Warehouse. A building or part of a building that is constructed or adapted for the storage of goods or merchandise, as distinguished from personal storage facilities.

Warehouse retail. Retail businesses that retail goods in large quantities to the general public in a building or on a site that is large and industrial in character.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; stores primarily selling electrical, plumbing, heating and air-conditioning supplies and equipment to contractors or other wholesalers.

SEC. 36.60.51. Definitions - "X"

SEC. 36.60.53. Definitions - "Y"

Yard, front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

a. **Front yard, least depth**. The shortest distance measured horizontally between the closest part of the nearest building, other than such parts herein excepted, and the front lot line.

1. **Front yard, least depth, how measured**. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the lot front line) provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required front yard least depth shall be measured from the precise plan line of such street as adopted.

Yard, rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the chapter.

a. **Rear yard, least depth.** The shortest distance measured horizontally between the closest part of the nearest building, other than such parts here in excepted, and the rear lot line.

Yard, side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

a. **Side yard, least width.** The shortest distance, measured horizontally between the closest part of the nearest building, other than such parts herein-after excepted, and the nearest side lot line.

1. **Side yard, least width, how measured**. Such width shall be measured from the nearest side lot line and in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required side yard least width shall be measured from the precise plan line of such street as adopted.

SEC. 36.60.55. Definitions - "Z"

Zoning administrator. The zoning administrator of the City of Mountain View."

APPENDIX A: PAST ORDINANCE NUMBERS AND EQUIVALENT UPDATED ORDINANCE NUMBERS

Past Ordinance Number	Updated Ordinance Number
36.1 - Short title; Citations	36.02 - Short Title
36.2 through 36.2.1 - Purpose of Zoning Ordinance	36.02.05 - Purpose of zoning ordinance
36.2.2 - Principles	36.02.10 - Principles of the Zoning Ordinance
36.2.3 - Regulations	36.02.15 - Regulations
36.2.4 - Provisions	36.02.20 - Application of Provisions
36.2.5 through 36.2.6 - Section References; Review and Permit Process References	36.02.30 - Section and Permit Process References
36.4 - Establishment and Designation of Districts	removed chart as duplicative
36.5.1 - Interim Zone	36.26.60 - Annexation Process
36.8 through 36.8.6 - Agricultural District	36.24 through 36.24.35 - Agricultural (A) Zoning District Standards
36.19 through 36.19.6 - Administrative, Research and Limited Industrial District	36.20.a - Purpose of ML District; 36.20.05 - Land Use Chart; 36.20.10 - Standards for Specific Land Uses; 36.20.15 - MM Zone Special Land Use Standards; 36.20.25 - ML Zone Development Standards
36.20 through 36.20.6 - General Industrial District or MM District	36.20.b - Purpose of MM District; 36.20.05 - Land Use Chart; 36.20.10 - Standards for Specific Land Uses; 36.20.20 - MM Zoning District Special Land Use Standards; 36.20.35 - MM Zone Development Standards.
36.20A through 36.20A.6 - Public Facility District or PF District	36.24.35 through 36.24.75 - Public Facility (PF) Zoning District Standards
36.21 through 36.21.5 - Flood Plain District or F District	36.26 through 36.26.30 - Flood Plain (F) Zoning District Standards
36.22 through 36.22.5.1 - Planned Community District or P District	36.22 through 36.22.35 - Planned Community (P) Districts
36.22A through 36.22A.5 - Special Design Combining District or SD District	36.26.85 - Special Design Combining (-SD) District
36.22B through 36.22B.5 - Transit District or T Zone	36.26.90 - Transit (-T) District
36.23.3 - Basement, etc. considered story	36.08.35 - Basement
36.26 through 36.26.3 - Interim Zone District or U District	36.26.35 through 36.26.55 - Interim (U) Zoning District Standards

36.27 - Setback Provisions	rescinded
36.27.14 - Corner Setbacks	36.08.05 - Corner Setbacks for buildings
36.27.15 - Unlawful Erection of Buildings in Setback Zones	36.08.10 - unlawful erection of buildings in setback zones
36.27.16 - Storage of Habitable Trailer in Setback prohibited	36.08.15 - storage of habitable trailer in setback prohibited
36.28 through 36.29.4 - Nonconforming Uses and Structures	36.06.60 through 36.06.95 - Nonconforming Uses and Structures
36.31.3 - Disaster Container Accessory Structures - conformance required	36.06.05 - Disaster container accessory structures
36.34 - Unsafe Buildings	36.06.10 - Unsafe Buildings
36.35 - Pending Building Permits	36.06.15 - Pending Building Permits
36.35A - Building Permits and All Other Land Use Entitlements During Rezoning or Zoning Amendments	36.06.20 - building permits and all other land use entitlements during rezoning or zoning amendments
36.40 - Interpretations and Exceptions	36.08.25 - Interpretations and Exceptions
36.40.1 - Height Limits	36.08.30 - Height Limits
36.40.3 - Projections into Required Yards	Rescinded
36.40.4 - Fences, Walls, hedges and screen planting	Located in ML, MM, CN and CO district charts respectively
36.40.7 - Existing lots of Record	36.06.25 - Existing Lots of Record
36.70 through 36.79 - Tenant Relocation Assistance	36.38 through 36.38.45 - Tenant Relocation Assistance
36.80 through 36.94 - Affordable Housing Program	36.40 through 36.40.70 - Affordable Housing Program
36.100.010 through 36.100.060 - Sidewalk Cafés in Downtown Area	36.42 through 36.42.25 - Sidewalk Cafes in Downtown Area
A36.10 through A36.10.010 - Establishment of Zoning Districts	36.04 - Zoning districts established
A36.10.020 - Zoning Map Adopted	36.04.05 - Zoning Map Adopted
A36.10.030 (A) through (C)-- Allowable Land uses and permit requirements	36.06.30 through 36.06.45 - same titles as previously
A36.10.030 (D) through (E) - Exemptions from Zoning Permit Requirements; Other permits may still be required.	36.06.50 through 36.06.55 - same titles as previously
A36.10.040 - Zoning District Regulations - General	36.06 - Zoning district regulations - general

A36.12 through A36.12.020 - Residential Zones: Purpose and Land Use and Permit Requirements (incl. Land Use Chart)	36.10 through 36.10.05 - Residential Zones, Land Uses, and Land use chart
A36.12.030 (A) - R1 Zoning District Development Standards	36.10.10 through 36.10.30 - R1 Zoning District Development Standards
A36.12.030 (B) - R2 Zoning District Development Standards	36.10.40 through 36.10.55 - R2 Zoning District Development Standards
A36.12.030 (C) - R3 Zoning District Development Standards	36.10.60 through 36.10.80 - R3 Zoning District Development Standards
A36.12.030 (D) - RMH District Development Standards	36.12.15 through 36.12.20 - RMH district development standards; standards for other uses.
A36.12.030 (E) - R4 Zoning District Development Standards	36.12 through 36.12.10 - R4 Zoning District Standards
A36.12.040 (A) - Animal Keeping	36.12.55.g - Other Accessory Structures and Uses
A36.12.040 (B) - Companion Units	36.12.60 through 36.12.70 - Companion Units
A36.12.040 (C) - Density Bonuses	36.14 through 36.14.65 - Density Bonuses
A36.12.040 (D) - Subdivisions in the R1 zone creating parcels without the required frontage on a public street	36.10.35 - same title as previous
A36.12.040 (E) - Mobile Home Parks/Subdivisions	36.12.25 - same title as previous
A36.12.040 (F) - Mobile Homes/Manufactured Housing	36.12.30 - same title as previous
A36.12.040 (G) - Residential Accessory Uses and Structures	36.12.35 through 36.12.55 - Residential Accessory Uses and Structures
A36.12.040 (H) - Rooming and Boarding - R3 zoning district	36.10.85 - Rooming and Boarding - R3 zoning district
A36.12.040 (I) - Setback and Floor Area Ratio Exceptions	36.14.75 through 36.14.90 - Setback and Floor Area Ratio Exceptions
A36.12.040 (J) - Small-lot, single-family development	36.16 through 36.16.05 - Small-Lot, Single-Family Development
A36.12.040 (K) - Townhouse Development	36.16.10 through 36.16.15 - Townhouse Development
A36.12.040 (L) - Rowhouse Development	36.16.20 through 36.16.25 - Rowhouse Development
A36.14 through A36.14.020 - Commercial Zone Purpose and Land Uses and Permit Requirements	36.18 through 36.18.05 - Commercial Zone Purposes and Land Uses and Permit Requirements

A36.14.030 (A) - Commercial Zone General Development Standards	chart was split into four separate charts, one for each of the commercial districts
A36.14.030 (B) - General Standards for All Commercial Zones	36.18.30 - General development standards for commercial zones
A36.14.030 (C) through (E.2) - CN, CS, CRA Zoning District Special Standards	36.18.10 through 36.18.25 - CN, CS, and CRA Zoning district special land use standards.
A36.14.030 (E) 1 and 3 - CRA Zoning District Special Standards	36.18.50 - CRA Zoning District Special Development Standards
A36.20 through A36.20.010 - Overlay Zones, Purpose	36.26.65 through 36.26.70 - Overlay Zones, Purpose
A36.20.020 - Height Limitation (-H) Overlay Zone	36.26.75 - Height Limitation (-H) Overlay Zone
A36.20.030 - Neighborhood Design (-ND) Overlay Zone	36.26.80 - Neighborhood Design (-ND) Overlay Zone
A36.32.010 through A36.32.090 - Landscaping	36.34 through 36.34.35 - Landscaping
A36.37.010 through A36.37.110 - Parking and Loading	36.32 through 36.32.90 - Parking and Loading
A36.38 through A36.38.100 - Signs	36.36 through 36.36.95 - Signs
A36.42 through A36.42.200 - Standards for Specific Land Uses	36.28 through 36.30.45 - Standards for Specific Land Uses
A36.50 through A36.92.080 - Zoning Ordinance Administration	36.44 through 36.58.95 - Zoning Ordinance Administration
A36.95 through A36.95.020 - Definitions	36.60 through 36.60.55 - Definitions

Past ordinance number	**Updated ordinance number**
36.3 through 36.3.78—Definitions	A36.95—Definitions
36.9—R1 District Purpose	A36.12.010.A—R1 District Purpose
36.9.1 through 36.9.3—R1 Permitted, Accessory and Conditional Uses	A36.12.020—Table of Residential Land Use and Permit Requirements
36.9.4 through 36.9.5(f)—R1 District Development Standards	A36.12.030.A through A36.12.030A.7—R1 District Development Standards
36.9.6 through 36.9.6 (b) (4)—R1 District Signs	A36.38 through A36.38.070.G—Signs
36.9A—Neighborhood Design Overlay District	A36.20.030 through A36.20.030.d.2—Neighborhood Design Overlay District
36.10—R2 District Purpose	A36.12.010.B—R2 District Purpose
36.10.1 through 36.10.3—R2 Permitted, Accessory and Conditional Uses	A36.12.020—Table of Residential Land Use and Permit Requirements
36.10.4 through 36.10.5 (f)—R2 District Development Standards	A36.12.030.B through A36.12.030B.3.d—R2 District Development Standards

36.10.6 through 36.10.6 (b) (4)—R2 District Signs	A36.38 through A36.38.070.G—Signs
36.11—R3 District Purpose	A36.12.010.C—R3 District Purpose
36.11.1 through 36.11.3—R3 Permitted, Accessory and Conditional Uses	A36.12.020—Table of Residential Land Use and Permit Requirements
36.11.4 through 36.11.12 (b)—R3 District Development Standards	A36.12.030.C through A36.12.030C.4—R3 District Development Standards
36.11.13 through 36.11.13 (b) (6)—R3 District Signs	A36.38 through A36.38.070.G—Signs
36.12—R3d District Purpose	A36.12.010.C—R3 District Purpose
36.12.1 through 36.12.3—R3d Permitted, Accessory and Conditional Uses	A36.12.020—Table of Residential Land Use and Permit Requirements
36.12.4 through 36.12.10—R3d District Development Standards	A36.12.030.C through A36.12.030C.4—R3 District Development Standards
36.12.11 through 36.12.11 (b) (6)—R3d District Signs	A36.38 through A36.38.070.G—Signs
36.12A through 36.12A.13 (b)—R3P District	[District rescinded.]
36.13—R2M District Purpose	A36.12.010.D—RMH District Purpose
36.13.1 through 36.13.3—R2M Permitted, Accessory and Conditional Uses	A36.12.020—Table of Residential Land Use and Permit Requirements
36.13.4 through 36.13.6 (h)—R2M District Development Standards	A36.12.040.E—RMH District Development Standards
36.13.7 through 36.13.7 (b) (6)—R2M District Signs	A36.38 through A36.38.070.G—Signs
36.13A through 36.13A.6 (i)—R1—M District	[District rescinded.]
36.23.1—Height Limitation Overlay District for R Districts	A36.20.020 through A36.20.020.c.2—Height Limitation Overlay District
36.39.1 through 36.39.1 (c)—Private Swimming Pools	A36.36.12.040.G.7 through A36.36.12.040.G.7.c Swimming Pools/Spas/Hot Tubs
36.39.19 through 36.39.19 (e) (6)—Habitable trailers in R zones	A36.12.040.F through A36.12.040.F.4—Mobile Homes/Manufactured Housing in R Zones

Past ordinance number	Updated ordinance number
36.14 - CN district purpose	36.14.010A - CN District Purpose
36.14.1 - Principal permitted uses	36.14.020 - Uses that are permitted in Commercial Zones (table)
36.14.2 - Accessory uses	36.14.020 - (table)

36.14.3 - Conditional uses	36.14.020 - Uses that require a CUP (table)
36.14.4 - Height regulations	36.14.030A - Commercial Zone General Development Standards
36.14.5 - Area, lot width and yard requirements	36.14.030A - Commercial Zone General Development Standards
36.14.6 - Other required conditions	36.14.030C - CN Zoning District special standards
36.14.7 - Signs	A36.38 through A36.38.070.G—Signs

Past ordinance number	Updated ordinance number
36.16 - CG District Purpose	36.14.010B - CS District Purpose
36.16.1 - Principal permitted uses	36.14.020 - Uses that are permitted in Commercial Zones (table)
36.16.2 - Accessory uses	36.14.020 - (table)
36.16.3 - Conditional uses	36.14.020 - Uses that require a CUP (table)
36.16.4 - Height regulations, area, lot coverage and yard requirements	36.14.030A - Commercial Zone General Development Standards
36.16.5 - Other required conditions	Being moved to 36.42.110 - (Standards for specific uses)
36.16.6 - Signs	A36.38 through A36.38.070.G—Signs

Past ordinance number	Updated ordinance number
36.16A - C3 District Purpose	36.14.010D - CRA District Purpose
36.16A.1 - Principal permitted uses	36.14.020 - Uses that are permitted in Commercial Zones (table)
36.16A.2 - Accessory uses	36.14.020 - (table)
36.16A.3 - Conditional uses	36.14.020 - Uses that require a CUP (table)
36.16A.4 - Height regulations	36.14.030A - Commercial Zone General Development Standards
36.16A.5 - Yard requirements/guidelines	36.14.030A - Commercial Zone General Development Standards
36.16A.5A - Development standards for residential and mixed use	36.14.030E - CRA Zoning District special standards
36.16A.6(d) - Landscaping requirements/guidelines	36.32.060B3 - Specific Landscaping Requirements—CRA zone
36.16A.7 - Signs	A36.38 through A36.38.070.G—Signs

Past ordinance number	Updated ordinance number
36.17 - O District Purpose	36.14.010C - CO District Purpose
36.17.1 - Principal permitted uses	36.14.020 - Uses that are permitted in Commercial Zones (table)
36.17.2 - Accessory uses	36.14.020 - (table)
36.17.3 - Conditional uses	36.14.020 - Uses that require a CUP (table)
36.17.4 - Height regulations	36.14.030A - Commercial Zone General Development Standards
36.17.5 - Area, lot width and yard requirements	36.14.030A - Commercial Zone General Development Standards
36.17.6 - Other required conditions	36.14.020A - Commercial Zone Land Use and Permit Requirements
36.17.7 - Signs	A36.38 through A36.38.070.G—Signs

Past ordinance number	Updated ordinance number
36.39 - Provisions applying to special uses	36.42.010B - Specific Land Uses—Applicability
36.39.3 - Home occupations	36.42.110 - Home occupations
36.39.4 - Dish antennas greater than one meter	Moved to new section
36.39.5 - Outdoor merchandise display	36.42.130 - Outdoor Merchandise Display and Activities
36.39.6 - Single-room living facilities	36.42.170 - Efficiency Studios
36.39.7 - Agricultural processing plants	36.42.040 - Agricultural Processing
36.39.8 - Drive-in theatres	Removed
36.39.9 - Cemetery, crematory, mausoleum, columbarium	36.42.050 - Cemeteries, Columbarium's, Mortuaries
36.39.10 - Private stables and paddocks and livestock facilities	Removed
36.39.11 - Retail sales for guests only	Removed
36.39.12 - Massage establishments	36.42.120 - Massage Establishments
36.39.16 - Temporary tract offices	Removed
36.39.17 - Excavations, fills or grading	Implemented through Building and Development Review process
36.39.18 - Landing strips for aircraft, heliports	36.42.100 - Heliports
36.39.20 - Animals permitted as accessory uses	See Chapter 5 of the Municipal Code
36.39.21 - Adult entertainment establishment zones	36.42.030 - Adult Entertainment Establishments

36.39.22 - Extremely hazardous materials and highly sensitive uses	36.42.080 - Extremely Hazardous Materials and Highly Sensitive Uses
36.39.23 - Small family child care homes	36.42.060 - Child Day Care Facilities
36.39.24 - Large family child care homes	36.42.060 - Child Day Care Facilities

Past ordinance number	**Updated ordinance number**
36.42, page 594, 36.54, page 604, and 36.7.1, pages 512 to 513	36.50—General Authority
36.50, pages 602-2 to 602-3	36.52—Development Review Permits
36.49, pages 601 to 602-2	36.54—Temporary Use Permits
36.44, pages 595 to 596	36.56—Variances
36.48, pages 600 to 601	36.58—Planned Unit Developments
36.43, pages 594 to 595	36.60—Conditional Use Permits
36.13.8 through 36.13.10 (c), pages 528 to 528-2	36.62—Mobile Home Park Permits
36.22b.4+, pages 564 to 564-2	36.64—Transit Oriented Development Permits
36.22A.5+, pages 562 to 564	36.66—Special Design Permits
Each of the 35 separate Precise Plans & 36.22.6+, pages 560 to 561	36.68—Planned Community Permits
36.22.5.1, pages 559 to 560 & 36.45, pages 596 to 597	36.70—Precise Plans
36.29.4 through 36.29.4 (d)—Non-conforming Signs—Discontinuance	A36.38.080 through A36.38.090.C—Abatement of Non-conforming Signs and Removal of Illegally Installed/Maintained Signs
36.45, pages 596 to 597	36.72—General Plan Amendments
36.47, pages 598 to 600	36.74—Zoning Amendments
36.60, pages 608-1 to 608-3	36.76—Development Agreements
Scattered throughout the ordinance in each separate permit process section, and 36.55, pages 604-1 to 606	36.80—Applications, Hearings and Appeals
Scattered throughout the ordinance in each separate permit process section, and 36.46, page 598	36.84—Time Limits, Extensions and Revocations
36.2.4, page 501 & 36.54.1 (6), page 604	36.90—Procedures for Interpretations
36.52 and 36.53, page 604	36.92—Enforcement of Provisions"

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. 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 4. 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 5. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) of the CEQA Guidelines as it is not a project as defined by CEQA per Section 15378.

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LH/2/ORD
823-12-03-13o-E

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **204 and 206 Ada Avenue, Tract No. 10106—Accept Public Improvements**

RECOMMENDATION

Accept the public improvements for the development at 204 and 206 Ada Avenue for maintenance throughout their useful lives.

BACKGROUND

The public improvements for the six single-family homes were approved for construction on August 14, 2012. The public improvements included: 700 square feet of sidewalk; 87 lineal feet of curb and gutter; a 20′ wide driveway apron; a 6″ sewer lateral and cleanout; sewer manhole; storm drain inlet; 35 lineal feet of 12″ storm pipe; two 2″ water services; and six 1″ water meters.

ANALYSIS

The public improvements have been completed to the satisfaction of the City Engineer.

FISCAL IMPACT

The public improvements for the development were paid for by the developer.

ALTERNATIVES

Determine that the recommended improvements are not complete or in conformance with City standards and do not accept the improvements.

PUBLIC NOTICING

Agenda posting and a copy of the Council report sent to the developer, 204/206 ADA, LLC.

Prepared by:

Rodrigo Z. Macaraeg
Principal Civil Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

RZM/7/CAM
919-12-10-13CR-E

cc: 204/206 ADA, LLC
c/o Mr. Tom Sinkiewicz
818 Wake Forest Drive
Mountain View, CA 94043

APWD—Solomon, PCE—Arango, PCE—Macaraeg, SPWI—Recall, AAII—Grimm, SC/T—Buchanan

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Amendment to Agreement with Waste Management for Long-Term Disposal of Solid Waste**

RECOMMENDATION

Authorize the City Manager to execute a second amendment to the agreement between the City of Mountain View and Waste Management of California, Inc. for long-term disposal of solid waste.

BACKGROUND

In September 1991, Mountain View entered into an agreement with Waste Management of California (WMC) for long-term disposal of solid waste at Kirby Canyon landfill in San Jose. The agreement was negotiated in the context of development of the SMaRT Station®, so the three SMaRT Station partners (Mountain View, Sunnyvale, and Palo Alto) have nearly identical disposal agreements. Several provisions are relevant to the recommended amendment.

Term

Mountain View's agreement runs for 30 years and was originally set to expire on October 15, 2021. In August 1993, a first amendment to the agreement was approved, delaying the date upon which deliveries to the landfill would begin by several months. As a result, the termination date of the agreement was changed to December 31, 2021.

Allocation Quantity/Put or Pay

WMC is obligated to make available space for, and the City is obligated to deliver, a certain amount of waste annually, referred to as the "allocation quantity." The allocation quantity was set in 1991 and generally increases over the 30-year period in anticipation of population and economic growth. The agreement includes an option for Mountain View to reduce its allocation quantity by 10 percent on each 10th year anniversary of the agreement. In 2001, Mountain View chose not to change its

allocation quantity, but opted in 2011 to reduce its allocation by 10 percent (as did Palo Alto and Sunnyvale) because, by then, it was clear that landfill disposal would not return to previous higher levels.

The three cities together are required to deliver to Kirby Canyon, from the SMaRT Station, a minimum of 75 percent of the total combined annual allocation quantity. If the total tons delivered are less than 75 percent of the three-city allocation quantity, the cities must pay as if the tons were delivered (referred to as "put or pay"). When the cities pay for tons that are not actually delivered, credit is received against future deliveries. In other words, put or pay tons go into a "bank" from which the cities may make withdrawals in future years if tons disposed exceed the minimum allocation quantity.

Favored Nation Status

A comparable fees clause grants the cities "favored nation" status. WMC is required to reduce the disposal cost per ton (currently $39.50, not including taxes and fees) if WMC enters into an agreement with any other party, with the same or a lesser allocation quantity than the cities, at a lower fee. This lower fee would be extended to the cities for as long as WMC charges the other party lower fees.

ANALYSIS

The City of Sunnyvale, as the managing SMaRT Station partner, recently opened discussions with WMC regarding the landfill disposal agreements. Since 2002, the cities have been unable to deliver the combined minimum allocation quantity, and by the end of 2013, will have paid about $6.8 million in put or pay fees to WMC (as explained later in this report, all of the put or pay has been paid by the cities of Palo Alto and Sunnyvale). The cities have a strong interest in reducing allocation quantities and the put or pay requirement as they are large disincentives to reducing waste. Under this structure, no matter how much waste is reduced, disposal costs essentially remain fixed at no less than 75 percent of the allocation quantity.

WMC has a strong interest in removing the comparable fees clause (granting the cities favored nation status). Landfill capacity, availability, and price are more competitive since the cities negotiated the original agreements and WMC has not been able to effectively market Kirby Canyon to other customers without risk of invoking the comparable fees clause. With the three cities constituting the majority of tonnage disposed at Kirby Canyon, and with the upcoming expiration of the agreements in 2021, WMC is interested in attracting more customers to Kirby Canyon.

Discussions between the cities and WMC resulted in a Memorandum of Understanding (MOU) outlining revisions to the landfill disposal agreements for all three cities that will reduce the three city's landfill disposal costs by an estimated $4.2 million to $15.6 million over the remaining term of the agreements (through December 31, 2021). Actual reduction in disposal costs will vary depending on several factors, including actual tons disposed by the cities, diversion levels at the SMaRT Station, and whether WMC is able to attract additional municipal tonnage to Kirby Canyon (as explained in more detail below).

Implementation of any changes to the landfill disposal agreement requires both an amendment to the WMC agreement and adoption of a detailed procedure (as allowed by the SMaRT Partners MOU) by the three cities establishing an equitable methodology for allocating to each city the savings collectively realized as a result of the WMC agreement amendment. Each implementation component is discussed below.

Landfill Disposal Agreement Amendment

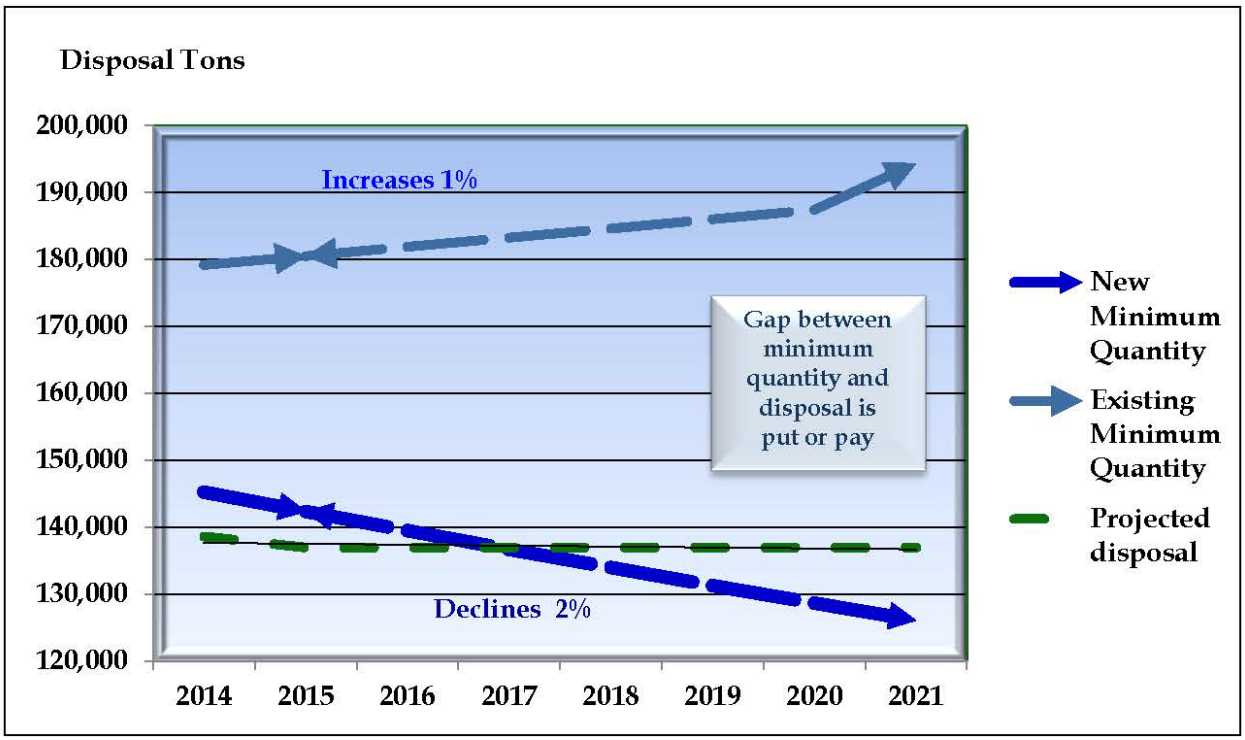
Key features of the proposed agreement amendment include:

- Significant reduction in the minimum quantity of tons required to be delivered by the cities, thereby reducing put or pay risk.
- Addition of a disposal fee premium to temper the loss of revenue to WMC.
- Removal of the favored nation status granted the cities through the comparable fees clause.
- A mechanism to reduce the disposal fee premium if the landfill is successfully marketed to other customers.

The final terms of the amendment, pursuant to the MOU with WMC, are described in more detail below.

Minimum Quantity. The minimum quantity of tons required to be delivered by the three cities is significantly reduced. The amount is reset at 95 percent of the tons delivered in 2013, and is reduced by 2 percent each year, beginning in 2014. Under the old agreement, the 2014 minimum allocation quantity for the three cities combined is 179,184 tons, increasing to 194,351 tons by 2021. With the amendment, the new minimum for 2014 is estimated to be 145,236 tons, declining to 126,083 tons by 2021.

This encourages waste reduction by changing landfill cost from a fixed expense to a variable expense, allowing the cities to more fully implement zero-waste programs and realize disposal savings as a result. The old and new minimum allocation quantities, as compared to estimated disposal quantities, are illustrated in the chart below:



Put or Pay Provision. The put or pay provision will remain. However, because the new minimum quantity is set below existing tons delivered to landfill, and reduces by 2 percent annually, put or pay risk is significantly reduced, as illustrated in the chart. A small amount of put or pay is expected to be made in the next several years as disposal may decline from 2013 levels more quickly than the minimum quantity does. Declining disposal is expected due to increased diversion at SMaRT and implementation of zero-waste measures.

The existing put or pay credits ("banked" in the amount of close to $6.8 million) will be waived by the cities. In addition, no credit will be received for any future put or pay tons. While these banked tons are theoretically valuable in that they could be used if the cities ever exceeded their allocation quantities, this is unlikely to ever happen given that the current disposal volumes are significantly below the allocation quantities and all three cities are pursuing zero-waste measures to further reduce disposal. In addition, as explained later in this report, none of the put or pay has been made by Mountain View, so the credits are not available for use by Mountain View.

Price. The existing price per ton remains at its current level ($39.50) and will continue to increase by the Consumer Price Index (CPI) per the original terms of the agreement. In addition, the cities will pay a $7-per-ton disposal premium (also subject to CPI increases) to offset lost revenue to WMC as a result of the significant reduction in the allocation quantities (which in turn results in a significant reduction in put or pay for the cities).

Comparable Fees. The amendment removes the comparable fees section of the agreement so that WMC can market Kirby Canyon to attract additional customers. However, any new municipal tonnage secured by WMC from cities at a lower price than the SMaRT cities will result in a reduction of the $7-per-ton disposal premium paid by Mountain View, Palo Alto, and Sunnyvale on a sliding scale depending on the amount of the tonnage disposed by any other municipality(ies). The disposal tonnage of other customers would be cumulative towards the discount. The disposal premium paid by the three cities is reduced by 25 percent if WMC attracts 25,001 to 50,000 additional tons per year from other municipalities; 50 percent for 50,001 to 75,000 tons; 75 percent for 75,001 to 100,000 tons; and 100 percent (elimination of the premium) for tons in excess of 100,000.

Agreement Term. The proposed amendments to the disposal agreements will alter the term of the agreement for Sunnyvale (which will be extended by an additional 10 years), but not for Mountain View and Palo Alto. For Mountain View and Palo Alto, the agreement will continue to expire on December 31, 2021. For Mountain View, this is in keeping with the strategy discussed by Council during the renegotiation of the Recology contract to have all solid waste agreements (hauling with Recology, processing with SMaRT, and landfill disposal with WMC) expire at the same time.

During the negotiations, WMC took the position that a guarantee of disposal tonnage from the three cities over a longer period of time was needed, in addition to the disposal premium, to offset the impact of lost revenue from reducing the cities' put or pay requirements. Given that the SMaRT Station is located in Sunnyvale, and that Sunnyvale plans to continue using that facility for waste transfer purposes in the future, Sunnyvale was comfortable with the 10-year extension. For Mountain View, having yet to make a decision about its future as a SMaRT partner, and not wanting to lock into any agreements that could reduce flexibility for waste management after 2021, an agreement extension was not viewed by staff as a desirable outcome. Palo Alto also had various reasons for not desiring an extension of its agreement with WMC.

SMaRT Partners Savings Allocation Methodology

Because all waste disposed under the three contracts comes to Kirby Canyon through the SMaRT Station delivered in loads containing waste from all three cities, the allocation quantities of the cities are combined and managed as a single number, as viewed from WMC's perspective. As noted earlier, this combined delivered waste has been less than the minimum allocation quantity since 2002, so put or pay in the amount of about $6.8 million (including the amount estimated for 2013) has been paid to WMC.

Transparent to WMC, the cities track the individual allocation quantities for each city and assign the put or pay costs accordingly. Since the inception of the agreement in 1991, Mountain View disposal has never been below its individual minimum allocation quantity. This means that all put or pay has been paid by the cities of Sunnyvale and Palo Alto; none by Mountain View. Therefore, the proposed amendments, when viewed only from the individual perspective of Mountain View, are not financially beneficial because there are no put or pay savings to offset the new $7-per-ton disposal premium. (However, if Mountain View is successful in achieving higher diversion rates in the future, disposal could drop below the minimum and put or pay would be made.) In recognition of this, the three partner cities have agreed on a methodology that distributes the anticipated overall savings of between $4.2 million and $15.6 million (resulting from the significant reduction in put or pay obligation for Palo Alto and Sunnyvale) among the three cities. Under this methodology, 23.45 percent of the savings generated will be allocated to Mountain View. These savings will offset the impact of the additional $7-per-ton disposal premium for Mountain View, and result in a net financial benefit estimated of approximately $1.0 million to $3.7 million over the remaining eight years of the agreement. The actual savings will depend on actual tons disposed, diversion, and the disposal premium discount. The low end of the range assumes no discount (i.e., WMC does not attract any new tonnage to Kirby), and the high end of the range assumes a 100 percent discounted disposal premium (i.e., WMC successfully attracts in excess of 100,000 tons).

The 23.45 percent share for Mountain View is based on the principles of the SMaRT Partners MOU for allocating SMaRT Station expenses, revenues, debt service, and waste disposal costs. The MOU establishes the method of sharing the capital costs of constructing the SMaRT Station, known as the capital share. The capital share is based on each city's relative percentage of reserved landfill capacity, according to the agreement with WMC. Therefore, the cities agree that the capital share is the appropriate method for allocating the savings. The capital shares for the three cities are:

Mountain View	23.45 percent
Palo Alto	21.27 percent
Sunnyvale	55.28 percent

FISCAL IMPACT

The proposed amendment is expected to result in disposal savings to the City of Mountain View of $1.0 million to $3.7 million over the remaining eight-year life of the agreement. The savings are estimates based on several variable factors, including actual tons disposed by each of the three cities, diversion levels at the SMaRT Station, and any new tons WMC is able to attract to Kirby as a result of their marketing efforts.

CONCLUSION

The cities of Mountain View, Palo Alto, and Sunnyvale entered into nearly identical long-term landfill disposal agreements with WMC in 1991. As shown in the summary table below, the cities have been able to negotiate several changes to the agreements that not only result in significant savings over the remaining eight years of the agreements, but effectively change landfill disposal from a fixed cost to a variable cost, which allows Mountain View (and the other cities) to more effectively pursue zero-waste goals. In addition, the benefits that accrue to WMC as a result of the amendments are not onerous to the cities. Staff recommends Council approval of the amendment to the agreement, which is estimated to result in landfill disposal savings in the amount of $1.0 million to $3.7 million for Mountain View.

**SUMMARY OF KEY
AMENDMENT PROVISIONS/CHANGES**

Provision	Description of Change
Minimum Allocation Quantity	Reset from 179,184 tons in 2014 (for the three cities) to an estimated 145,236 tons. Instead of increasing each year, allocation now reduces by 2 percent per year.
Put or Pay	Risk of put or pay is significantly reduced as new allocation is set below current disposal levels. Existing banked credits are waived and no future credits will be issued.
Price	Base price per ton stays the same (currently $39.50, not including taxes and fees), but a disposal premium of $7 per ton is added.
Comparable Fees	The cities no longer have a "favored nation" status. However, if WMC attracts new customers at a price lower than the cities, the $7 disposal premium will be reduced on a sliding scale (more tons from other customers equals a higher discount for the cities).
Agreement Term	Remains at December 2021 for Mountain View and Palo Alto. Extended for 10 years until 2031 for Sunnyvale.

ALTERNATIVES

Do not approve the proposed amendment to the landfill disposal agreement. This action would put the amendments for Palo Alto and Sunnyvale at risk. WMC has indicated it would not be interested in having substantially different agreements between the cities (beyond the different ending term dates).

From a fiscal impact, if Palo Alto and Sunnyvale were able to negotiate amendments with WMC without Mountain View, the estimated $1.0 million to $3.7 million in savings estimated to be realized by Mountain View over the remaining life of the agreement would be forfeited. In addition, retaining the higher allocation quantity puts

Mountain View at risk for future put or pay if the City is successful at increasing diversion, thereby reducing the incentive to implement zero-waste programs.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Lori Topley
Solid Waste Program Manager

Linda Forsberg
Transportation and Business Manager

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

LT-LF/5/CAM
944-12-10-13CR-E

DATE: December 10, 2013

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Appointment of Volunteer Mediators**

RECOMMENDATION

Appoint nine volunteer mediators to a two-year term ending June 2015.

BACKGROUND

The Mountain View Mediation Program (Program) utilizes trained volunteers to mediate tenant-landlord, neighborhood, consumer, workplace, and person-to-person disputes. Nine individuals are being recommended for appointment to the Program consisting of four new mediators and five existing mediators requesting reappointment. The volunteer mediators recommended for appointment are shown on Attachment 1.

The recommended appointments would result in the Program having a total of 24 volunteer mediators, which is an adequate number to handle the mediation caseload. The volunteer mediators are appointed to two-year terms and a portion of the group is newly selected or reappointed each year. The staggered term appointments ensure there is always a core of experienced mediators to assist the new mediators and provide continuity to the Program from year to year.

ANALYSIS

Mediators help resolve conflicts between individuals or groups by facilitating communication between the parties. Mediators do not judge who is right or wrong or force a decision or solution on either party. The mediator's role is to help the parties involved in a dispute to communicate with each other and find a mutually acceptable resolution.

In order to be eligible to serve as a volunteer mediator, an individual must be either a resident of Mountain View, own property, or work in the City. Applicants must complete a written application explaining their interest in the Program and their

qualifications to be a mediator. Applicants are interviewed to further assess their qualifications, availability, and interest in the Program. Those applicants who are selected to participate in the Program must then successfully complete a five-day training course in mediation and communication techniques at Foothill College, or other equivalent program, before being eligible for appointment to the Program by the City Council. The recommended individuals satisfy all the requirements for appointment to the Program and will provide the Program with a good balance of renters, homeowners, and business owners as well as bilingual capabilities.

The opportunity to serve as a volunteer mediator was widely advertised. Display ads were placed in the *Mountain View Voice* announcing the recruitment of volunteer mediators. In addition, flyers were distributed and posted at a variety of community facilities and information was posted on the City's and Project Sentinel's websites.

FISCAL IMPACT – None.

ALTERNATIVES

Do not appoint some or all of the recommended volunteer mediators.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Regina Adams
Senior Planner

Reviewed by:

Linda Lauzze
Administrative and Neighborhood
Services Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

RA/7/CAM
893-12-10-13CR-E

Attachment: 1. List of Recommended Mediator Appointments

Attachment 1

LIST OF RECOMMENDED MEDIATOR APPOINTMENTS

Recommended Mediator Appointments

(Term 2013-2015)

New Appointments:

Lori Abrahamsohn
Rosemary Colon
Aaron Daar
Ivy Manley

Renewals:

Linda Blalock
Todd McComb
Anita Moser
Jamil Shaikh
Ann Marie Van Horn

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: Public Hearing

DEPT.: Public Works

TITLE: **Establishment of California Street Underground Utility District No. 40, Project 10-28 (Escuela Avenue to Mariposa Avenue)**

RECOMMENDATION

1. Adopt A RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 40, to be read in title only, further reading waived (Attachment 1 to the Council report).

2. Approve use of Pacific Gas and Electric Company (PG&E) Rule 20A funds to finance the cost of undergrounding overhead electric facilities along the public right-of-way along California Street from Escuela Avenue to Mariposa Avenue, up to 100′ of lateral trenching on private property to a structure, and conversion of electric service panels.

3. Authorize the City Manager and Public Works Director to execute the General Conditions Form, Panel Conversion Agreement, and Streetlight Agreement with PG&E.

BACKGROUND

The California Street Underground Utility District No. 40 (UUD No. 40), Project 10-28, was approved as part of the 2013-14 Capital Improvement Program. On June 25, 2013, the City Council approved an underground utility priority list for use of PG&E Rule 20A funds by advancing the California Street project between Escuela Avenue and Mariposa Avenue to first priority. On November 19, 2013, the City Council set December 10, 2013 as the Public Hearing date to form UUD No. 40.

ANALYSIS

Staff reviewed the proposed project area with representatives of PG&E in the field and both parties mutually agreed on the boundaries of the proposed district (see Exhibit A).

The limits are established following Rule 20A guidelines, the City's priority list, and the location of existing overhead wires and poles.

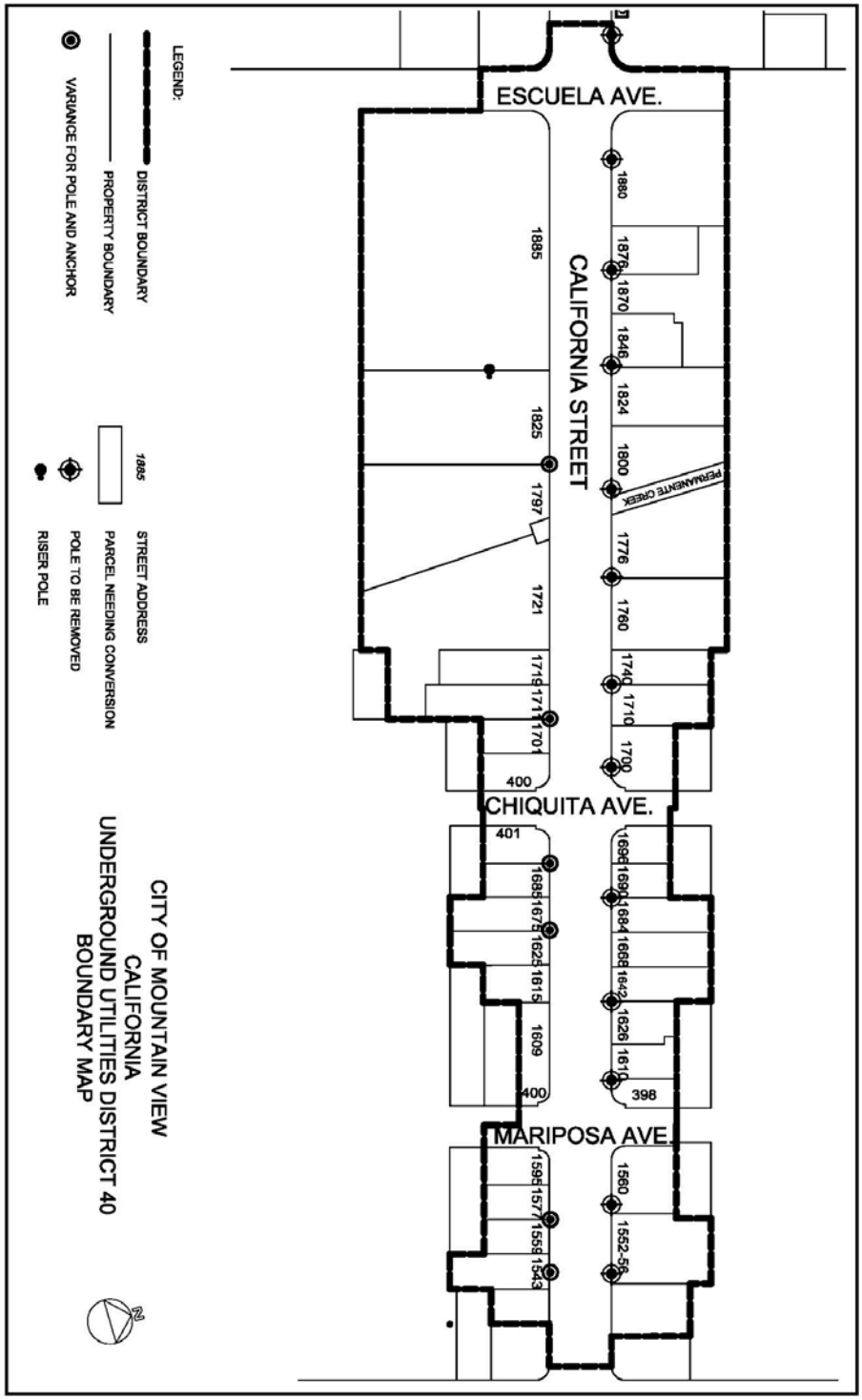


Exhibit A – California Street Underground Utility District

UUD No. 40 is being proposed in accordance with Chapter 34 of the City Code; PG&E Tariff Rule 20, Part A; AT&T's companion Tariff Rule 32 A.1; and the cable television franchise agreement. Of the 41 parcels in the proposed district, 30 parcels will require a service conversion to receive underground service. The other 11 parcels are already served by underground electric facilities.

The cost of converting the private electrical service termination box at a building to receive underground service has historically been a property owner's responsibility. In the past, property owners could be reimbursed up to $1,500 for this work. There is a new agreement with PG&E that the City may choose which would allow PG&E to perform all of the electric panel conversions and pay for the full amount using Rule 20A funds. Staff recommends including these service conversion costs in the project to be funded by Rule 20A. Based on the cost estimates recently prepared for California Street UUD No. 40, the average cost for each panel conversion would be $2,000. If Council approves the recommended actions, Rule 20A funds would be used to finance: (1) the cost of undergrounding overhead electric facilities along a public right-of-way; (2) up to 100' of lateral trenching on private property to a structure; and (3) conversion of electric service panels.

On August 9, 2013, staff held an informational meeting with other affected utilities to coordinate the project. On October 2, 2013, staff held a public meeting with the property owners and tenants within the proposed district to explain the project. Three property owners and one tenant out of 319 who were notified (28 property owners and 291 tenants) attended the informational meeting and they were mainly interested in the conversion and upgrade of existing conversion boxes, project schedule, and opportunity to add fiber optic conduits in the joint trench.

The project is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction), Class 2. The project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and the subject work involves conversion of overhead electric utility distribution system facilities to underground, including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Staff believes that the public necessity, health, safety, or welfare require the removal of and placing overhead utilities within the designated area underground within the limits

shown in Exhibit A. Staff recommends that the City Council adopt the resolution (Attachment 1) designating the area shown on Exhibit A as a UUD and order the removal of overhead wires and wooden poles and the installation of underground utilities within a specified schedule described in the attached resolution. The adoption of the resolution is necessary before PG&E and AT&T will begin design of their underground facilities.

If Council approves the recommended actions, the design phase of the project is scheduled to begin July 2015 and construction of the project, if approved, is scheduled to begin April 2017.

FISCAL IMPACT

If the recommended actions are approved, the cost of undergrounding overhead electric distribution facilities will be paid from PG&E Rule 20A allocations, and the cost of undergrounding telephone and cable television overhead lines will be paid for by AT&T and Comcast respectively. The California Street UUD No. 40, Project 10-28, is also funded with $55,000 from the Construction/Conveyance Tax Fund for project management, inspection, and administration costs.

PG&E Rule 20A's annual allocation to the City of Mountain View varies and is $281,000 for 2013. The total current available balance is $2.2 million. The total project cost is estimated at $2.1 million. If necessary, PG&E allows the borrowing of future funds to finance current projects. The conversion of other overhead telephone and cable lines is done simultaneously under other rules and regulations at no cost to the City or the City's Rule 20A funding.

ALTERNATIVES

- Postpone the formation of the proposed UUD No. 40.
- Establish a different area for the next UUD project.

PUBLIC NOTICING

Agenda posting. A notice in English and Spanish was mailed to tenants and property owners within the proposed UUD No. 40 and to the affected utilities. In addition, noticing for this Public Hearing included an advertisement in the *Mountain View Voice* and *San Jose Post*.

Prepared by:

Shilpa Mehta
Associate Civil Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

SM/5/CAM
922-12-10-13CR-E

Attachment: 1. Resolution Establishing Underground Utility District No. 40

cc: Ms. Donna Pontrello—Rule 20A Program Liaison | Project Delivery
Pacific Gas and Electric Company
111 Stony Circle
Santa Rosa, CA 95401

Ms. Marlana Telfer—Manager—Design Engineer
AT&T California
870 North McCarthy Boulevard, First Floor
Milpitas, CA 95035

Mr. Danny Raynor
California Regional Construction
1900 South 10th Street
San Jose, CA 95112

APWD—Solomon, PCE—Au, ACE—Mehta, F/c (10-28)

Attachment 1

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 40

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32; and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground; and

WHEREAS, the City of Mountain View has adopted a City Code authorizing the City Council to designate areas within which all existing overhead poles, overhead wires, and overhead equipment associated with the distribution of electric power, telecommunication services, and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, each year, the City of Mountain View is notified by Pacific Gas and Electric (PG&E) regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, the Public Works Director of the City of Mountain View has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to the underground conversion project; and

WHEREAS, the City Council of the City of Mountain View has now received the report from the Public Works Director recommending that the area identified in Exhibit 1 should be designated as an underground utility district within which all existing overhead poles, overhead wires, and overhead equipment associated with the distribution of electric power, telecommunication services, and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Public Works Director, the City Council of the City of Mountain View has determined that the proposed California Street Underground Utility District No. 40 is categorically exempt from environmental

review pursuant to the California Environmental Quality Act Guidelines, Section 15302 (Replacement or Reconstruction), Class 2, because it consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and the subject work involves conversion of overhead electric utility distribution system facilities to underground, including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding; and

WHEREAS, a Public Hearing was held on December 10, 2013 to ascertain whether the public health, safety, or welfare require the necessity of removing poles, wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated services; and

WHEREAS, pursuant to Mountain View's City Code, Section 34.3, all affected property owners and utilities were notified of the Public Hearing; and

WHEREAS, at said Public Hearing, all persons wishing to be heard on this matter were given an opportunity to be heard and all protests were considered and overruled;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

1. That the public necessity, health, safety, and welfare require the removal and underground installation of wires and facilities for supplying electric, communication, or similar or associated services within the area hereafter designated, and the underground utility district herein created is in the general public interest in that: (a) such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; (b) the street right-of-way is extensively used by the general public and carries a heavy volume of pedestrian and vehicular traffic; and (c) the street right-of-way is a residential arterial street as defined in the General Plan Guidelines; and

2. That the area designated on the attached map, being all or a portion of each property within the California Street undergrounding project, be, and the same is hereby established as Underground Utility District No. 40, and such electric, communication, or similar or associated services shall be installed underground and the poles, overhead wires, and associated overhead structures now existing within such area shall be removed; and

3. That the City Council hereby orders the removal and underground installation of all such facilities in Underground Utility District No. 40; and

4. That the staff report of December 10, 2013 and approved by the Public Works Director is hereby incorporated herein; and

5. That the City of Mountain View and the affected utilities shall agree by letter that each utility shall complete the engineering of their respective portion of the City of Mountain View, California Street Overhead to Underground Utility Conversion Project; and

6. That the City of Mountain View and the affected utilities shall agree by letter that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work; and

7. That the Public Works Director of the City of Mountain View and the affected utilities shall agree on a work schedule which meets their respective capabilities and further agree to waive any administrative fees, costs, or special street restoration requirements for purposes of this project; and

8. That, to the extent required, the City of Mountain View shall agree to provide easements or rights-of-way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities; and

9. That July 2015 is hereby established as the date for design of undergrounding by the utility companies and the date of April 2017 for beginning of construction; and

10. That PG&E shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each premises in Underground Utility District No. 40, requiring a maximum of one hundred feet (100') of individual electric service trenching and conductor, as well as backfill, paving, and conduit, if required and the cost of conversion of the on-site electrical panel to receive underground service. Each other serving utility will provide service trenching and conductor in accordance with its tariff rules on file with the California Public Utilities Commission or as required by its franchise agreement with the City. Each property owner in Underground Utility District No. 40 shall be responsible for the installation and maintenance of the conduit and terminal box located on, under, or within any structure on the premises served; and

11. That the City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 40 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or other similar or associated service, they or such occupant shall, by the date affixed in

this resolution, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations, or tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this resolution together with a copy of Mountain View City Code, Chapter 34 to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

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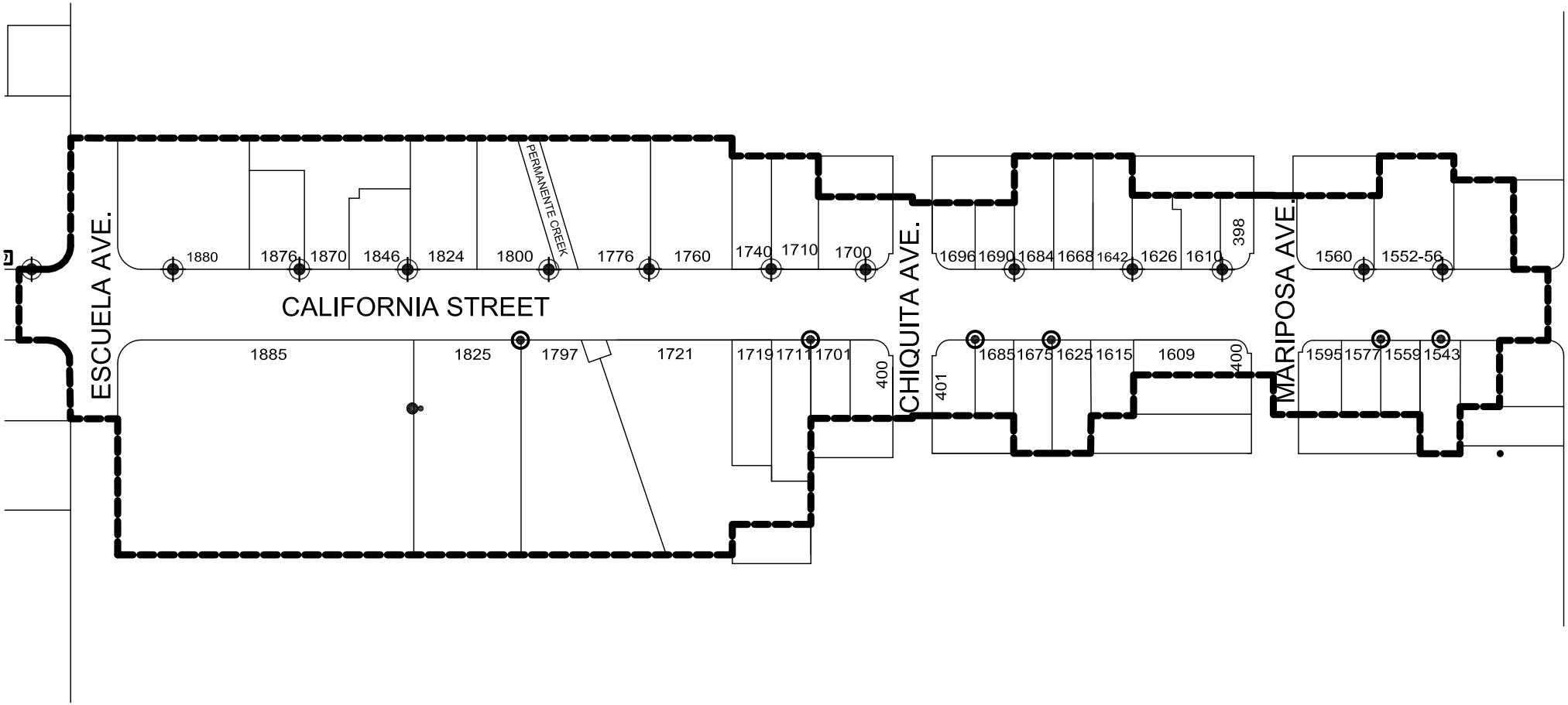
SM/3/RESO
922-12-10-13Res-E

Exhibit 1



LEGEND:

DISTRICT BOUNDARY

PROPERTY BOUNDARY

VARIANCE FOR POLE AND ANCHOR

1885 STREET ADDRESS

PARCEL NEEDING CONVERSION

POLE TO BE REMOVED

RISER POLE

CITY OF MOUNTAIN VIEW
CALIFORNIA
UNDERGROUND UTILITIES DISTRICT 40
BOUNDARY MAP

N

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

DATE: December 10, 2013

CATEGORY: New Business

DEPT.: Community Development

TITLE: **Public Art for The View Teen Center**

RECOMMENDATION

Select artist Leslie Scott for the commission of a public art project at The View teen center (former Rock Church) located at 263 Escuela Avenue.

BACKGROUND

Over the years, the City has instituted a 1 Percent for Art program and built a collection of art using public/private partnerships, community involvement, and public funds. A major component of the 1 Percent for Art program is the City's policy requiring that 1 percent of the construction budget of all major City capital improvement projects totaling $1 million or more shall be devoted to the selection and purchase of significant and appropriate public art. The Visual Arts Committee (VAC) is responsible for advising the City Council on the selection of art and artists for qualifying capital improvement projects.

The View is located at 263 Escuela Avenue. The City Council approved funding to renovate the land and building known as the Rock Church property and its conversion into a new teen center. The renovation will make improvements to both the interior and exterior of the building and site.

ANALYSIS

In summer 2013, staff issued a Request for Proposals (RFP) to obtain submittals for public art projects for The View (Attachment 1). The RFP sought an artist who can produce art pieces and/or installations that incorporate the creativity of local teens along with a strong collaboration with the teen community. As such, the Youth Advisory Committee (YAC) has been actively involved in the artist selection of public art at The View. The local teen community is expected to work closely with the selected artist through the art design and installation process at The View. The VAC believes

that this is a critical component of the process, which will ultimately connect teens with The View. The VAC is responsible for providing input and recommending potential artists to Council for design and installation of The View's public art project.

Selection Process

On September 13, 2013, staff received six proposals for public art at The View. Artists were asked to incorporate the Mountain View teen community in their respective submittals. Applicants were encouraged to visit The View to review exact art placement, size, and nature of the proposed art pieces or installations. The proposals and examples of the artist's past and current artwork were reviewed by the VAC and YAC liaisons at multiple community meetings.

On October 16, 2013, the VAC and YAC reviewed and discussed a short list of the top three candidates and their respective submittals. The top three submissions are summarized below:

Leslie Scott

There was overwhelming support by the VAC and YAC liaisons for artist Leslie Scott's proposal. Ms. Scott's proposal of creating a mixed-media mosaic mural incorporating textured ceramics designed, fabricated, and installed by local teens in a collaborative fashion was strongly supported. The VAC and YAC expressed interest in Ms. Scott's proposal due to her track record in collaborating with teens, her hands-on approach that can draw out teens' artistic expression, and the belief that more teens can participate in the project due to the flexibility of the space and location. In addition, committee members expressed interest in Ms. Scott as an artist due to her professionalism; commitment; enduring nature of the artwork; and durability, vision, and overall clarity of the proposal.

Ms. Scott proposes to guide teens in the creation of long-lasting artwork that is relevant both to the space and to those that occupy the space over time. She expects to lead a creative exploration within the concept of, "What does The View mean to teens and the community?" Ms. Scott will listen, engage, and empower teens to submit sketches that reflect their voice, vision, and style leading to colorful art tiles and mosaic mural.

Rachel Nova

Artist Rachel Nova submitted a proposal, including painting two to four murals on the exterior and interior of The View building. Ms. Nova's mural theme revolved around

the "sunrise outline" as a symbol to a new building and beginnings. The proposal consists of teens assisting with spray painting of sunrays in a mural format.

Theresa Munoz

Ms. Munoz proposes to produce a video mural that incorporates every local teen by creating a photo montage of their eyes. The design photo depicts sequences of eyes displayed on a series of large monitors on a wall. A computer system to manipulate the images would also be created. The concept includes inviting teens to The View to "find their eyes" and draw attention to the teen center.

VAC RECOMMENDATION:

The VAC unanimously recommended artist Leslie Scott to produce a mixed-media mosaic mural at The View (Attachment 2).

FISCAL IMPACT

The budget for this public art project is 1 percent of the estimated $1.7 million building construction budget, or $17,000, which includes fabrication, delivery, and installation. It is funded through Capital Improvement Project 12-36.

ALTERNATIVES

1. Select a different artist other than the VAC's recommendation of Leslie Scott. Council may pursue an Agreement with either artist Rachel Nova or Theresa Munoz.

2. If Council is not satisfied with the current submittals, direct staff to reissue another RFP.

NEXT STEPS

If Council approves staff's recommendation, staff will proceed with the following:

- Secure the services of artist Leslie Scott, for an amount not to exceed $17,000, through an Agreement for the commission of a public art project at The View in January 2014.

- Commence public art project in February/March 2014, including activating the teen community to participate in the artistic design, fabrication, and installation process with artist Leslie Scott.

- Completion of the art project prior to The View's building dedication, which is tentatively scheduled for August 2014.

PUBLIC NOTICING

The City Council meeting agenda and associated Council report have been posted on the City's website and announced on Channel 26 cable television. Interested parties such as the YAC have also been sent a copy of the agenda and Council report.

Prepared by:

Michelle Coral
Executive Assistant

Alex Andrade
Economic Development Manager

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

AA-MC/5/CAM
824-12-10-13CR-E

Attachments:
1. Request for Proposals (RFP)
2. Leslie Scott's Art Project Submittal
3. October 16, 2013 VAC Meeting Minutes
4. Web Gallery – All RFP Submittals

CITY OF MOUNTAIN VIEW

CALL FOR ARTISTS

REQUEST FOR PROPOSAL (RFP)

"The View"
Mountain View Teen Center

DEADLINE EXTENDED

The RFP Closes on Friday, September 13, 2013

BACKGROUND

The City of Mountain View (City) is a community of 74,000 people located on the San Francisco Peninsula. Over the years, the City has instituted an arts program and built a collection of art using a public/private partnership, community involvement, and some public funds. A major component of this program is a City policy that requires that 1 percent of all major City capital improvement projects over $1 million be spent on public art related to the project. This program is administered by the Visual Arts Committee (VAC), a seven-person, Council-appointed advisory committee that will recommend two to three alternatives to the City Council, whose decision is final. More information on the public art program is available on the City's website at *http://www.mountainview.gov/*.

BUDGET

The budget for this public arts project is 1 percent of the estimated $1.7 million construction budget, or $17,000, including delivery and installation.

SITE

"The View"—Mountain View Teen Center

The View is located at 263 Escuela Avenue, across from the Mountain View Senior Center complex. The City Council approved funding to renovate the land and building known as the Rock Church property and its conversion into a new teen center. The renovation will make improvements to both the interior and exterior of the building and site of the former church. The Youth Advisory Committee (YAC) is actively involved in the design and renovation of the building and has hands-on involvement in the selection and implementation of art. Art pieces that incorporate the creativity of Mountain View teens and an artist willing to collaborate with the teen community in the process are essential. This aspect of the project is an important criterion for selection of the artist. Applicants are encouraged to visit the site. The exact art placement will be determined by the size and nature of the art selected.

THEME/DESIGN GUIDELINES

The piece should be appropriate civic or public art suitable for display to a wide and diverse audience. It should have meaning relative to its setting and to the Mountain View teen community. It can either be a freestanding piece or integrated into the building as a component such as a fence, gate, mural, mosaic, hanging mobile, stained glass, pavers, or other integrated element.

Suggested locations for art include, but are not limited to:

- The front facade of the Teen Center
- Inside the main front multi-use room
- An outdoor patio fence and gate located in the back and side of the lot

Please refer to attached site plan for locations.

SAFETY REQUIREMENTS

The artwork should be of materials and construction that are resistant to theft, vandalism, and weathering and constructed to avoid expensive maintenance and repair. The art piece should be free from unsafe conditions or factors that could bear upon public liability and the safety of the community. The piece should be appropriate civic or public art suitable for display to a wide and diverse audience.

Due to City child safety requirements, all artists chosen to work with minors on the project must be fingerprinted.

SELECTION PROCESS

All proposals and examples of past and current artwork will be reviewed by the City's VAC and YAC liaisons. Two to three artists will be chosen by the VAC and, if necessary, a stipend not to exceed $500 will be provided to the artists to produce a maquette depicting the proposed work. These maquettes will be presented to the City Council for final selection of the art, and the City Council may require additional drawings for its review. The VAC and YAC are willing to work with an artist on the design proposal to ensure suitability. The City reserves the right to reject any or all proposals. Artists may apply individually or as a team.

Artists are invited to submit proposals of their work in electronic format only. Submissions to include the following:

1. One-page resumé in PDF format

2. Proposal(s) in PDF or JPEG format and proposed cost of your project

3. Ten (10) digital photos of past or current work in JPEG format

4. Inventory list of JPEGs in PDF format listing:

    a. Title of work

    b. Dimensions of work

    c. Type of media

    d. Date of work

    e. Location of work

All submissions shall not exceed 10 MB total.

NOTE: If your submittal does not meet the electronic formatting requirements, it will not be honored as an official submittal and will not be reviewed. Do not put application materials in notebooks or binders or send any materials not specifically requested as part of this application (e.g., drawings, videos, catalogs, etc.); they will not

be considered as part of your application packet and will not be reviewed by the Visual Arts Committee. The City of Mountain View is not responsible for loss or damage to materials.

Incomplete entries will not be reviewed.

PRESUBMITTAL MEETING

The City will host a presubmittal meeting on Wednesday, May 29, 2013, at 2:00 p.m. at the site to answer any questions regarding the RFP and/or submittal process. Please contact Michelle Coral at (650) 903-6422 to RSVP and to receive additional information.

ESTIMATED TIME LINE

- Release RFP—May 17, 2013
- Presubmittal Meeting—May 29, 2013
- Submittal Deadline—September 13, 2013
- Review and Selection by VAC and YAC Liaisons—September/October 2013
- Council Study Session—October 2013
- Council Public Hearing—October/November 2013

Please send your proposal by September 13, 2013 to Michelle Coral, Visual Arts Committee Staff Liaison, at *michelle.coral@mountainview.gov*. Late or incomplete applications will not be considered. **All submittals will become the property of the City of Mountain View.**

MC/4/CDD
821-06-25-13RFP

"The View" Artist Questionnaire

Please submit a proposal or description of the art you would like to create at "The View" Mountain View Teen Center, specifically, what type of art it would be and what size. Include a sketch or rendering of the subject matter, and where you intend to place it in the teen center.

I propose to create a mixed-media mosaic mural (up to approx. 10'x15' or 150 sq.ft.) that will incorporate textured ceramics designed and fabricated by the teens, and will be installed by the teens under my direction, in a collaborative community-build format.

When working with community groups, I prefer to listen, to hear their stories, and from them, gather inspiration for the imagery of a mural. My goal for The View is not to impose my ideas or aesthetic but instead, guide the teens in the creation of long-lasting artworks that are relevant both to the space and to those who will occupy the space over time.

For this mural, as with all the murals I facilitate, the theme and subject matter will be determined at an initial brainstorming session with the participants. I will lead this creative exploration within the concept constraints of "what does The View mean to you and your community?". Criteria for imagery selection will be good taste, relevance to the broader teen community, and timelessness.

The teens will then be asked to submit sketches of their own visual interpretation of the chosen theme including words, phrases, or mottos that resonate with them. The composite design I will then create, will be inspired by our interaction and these sketches, and will reflect their voice, their vision and their style.

In subsequent workshops, I will guide the teens in the making of dimensional textured ceramics that will be woven into the tapestry of the mosaic. By applying their own expression through texture and shape, the teens will add their personal "signature" to the mural and develop a strong ownership bond in the process.

The mosaic mural will be permanently installed in a highly visible location at the new facility. While I intend to solicit input from the teens regarding the choice of location, I have already identified the following as possible sites for the mural installation:

EXTERIOR WALL (currently drawn with "The View" sign)

EXTERIOR COURTYARD WALL separating courtyard and Multipurpose stage

INTERIOR MULTIPURPOSE ROOM Two walls flanking doors of Storage 104

<u>Please also answer the following questions listed below:</u>

1. The teens in our community have a strong voice and they want that point of view to be reflected in the art that is chosen to be placed on The View Teen Center.

How do you plan to listen, engage, empower and mentor teens during this project?

My process requires me to...

LISTEN to the views and ideas of the teens during our initial brainstorming session to be sure that mural theme, imagery and style are in their "voice";

ENGAGE the teens in every stage of design, prep, production and installation of the mosaic;

EMPOWER the teens by challenging them to take ownership of the process, most specifically in the choice of concepts and imagery to be reflected in the mural, while encouraging them to "step-up" to the fact that they are participating in the design and installation of a long-lasting permanent public art piece;

and to MENTOR the teens by teaching them skills, techniques and processes, by honing the variety of talents they will bring to the project, by facilitating collaboration and by delegating tasks according to aptitude and enthusiasm so each participant can enjoy success.

2. How will you handle the different personalities, temperaments?

My extensive experience as a teacher and facilitator of collaborative mural making informs my approach to every project. I am recognized for the ease with which I pull together diverse groups. My process creates meaningful experiences for young people and artworks that benefit directly the youth involved as well as their communities at large.

> *"... Guided by her amazing artistry and creative force, our students learned that together they could succeed at something much grander than the sum of their parts. Recently, I overheard one of the middle-school students giving a tour to a guest of the LEED building. As they stood in front of the murals, he spread his arms out wide and proclaimed proudly, "We did this!"*
> *Leslie creates enthusiasm, fine works of art that beautify spaces and opportunities for collaboration that build communities and empower students."*
> *~ Laurie Prothro, Harmony/Salmon Creek Schools*

There are many options for involvement in this process that is formulated around the delegation of specific roles and clear guidelines. This allows for successful collaboration even when bringing together the widest range of personalities.

3. Please describe specifically how you plan to involve teens in the creation of this art piece? At what specific stages will they be involved and who will physically produce the art?

DESIGN - teens will develop theme, define imagery and make sketches of what the theme means to them

PRODUCTION - teens will create textured ceramic components to be included in the mosaic

INSTALLATION - teens will have a prominent role in setting of the individual mosaic pieces, as well as grouting, sealing and polishing the final mural

4. Please describe your past experience working with teens on a similar project. What did you learn from this experience? What would you do the same and/or differently?

   I have worked with many mixed groups that include teens of varying ages and abilities, as well as diverse ethnic and economic backgrounds. My experience has taught me that it is imperative to offer them a voice, and that today's youth, when treated as responsible contributors, are goal-directed and brimming with great ideas. My process provides an opportunity for them to speak out, make their mark, and shine (as opposed an invitation to help me with "my" work).

   I have seen teens get so engrossed in the process that sometimes they need to be reigned in and redirected to the focus of the moment. This confirms that the process itself is as valuable to them as the final installation. It is here that quality control and my role as "art director" are most valuable. Sometimes, even my own plans need to be tweaked in the moment due to the dynamics of a given group. I have learned to embrace the need for flexibility and to allow youth as much freedom of expression as the project specifics allow.

   Since together we will work with tools and equipment that require respectful use and treatment (power mixers, hammers, glass cutters, tile nippers, etc.), I stress the fact that these are "tools and not toys" and make it clear that anyone who uses tools inappropriately will lose the privilege of participation. This never changes. Safety is paramount for all involved!

5. How long will the project take? Include the time needed to meet with the teen community, the length of time to get materials and supplies, as well as length of time the installation of the art piece will require.

   I am including a typical timeline that describes the order of operations from the first creative session to the final installation (typical minimum: 7 weeks). This schedule can be adapted to accommodate the specifics of a given project, number of participants, school/holiday schedules, and other logistics.

6. Site specific examples of past art work that has been done for a school or where you worked with teens/children. Please submit photos and give locations of each.

   At the end of this document are photos of both the completed installations and the work processes of four select projects that engaged teens and children:

   MEMORIAL WALL, Westminster Woods, Occidental, CA

   OUR ECOSYSTEMS Harmony/Salmon Creek Charter School, Occidental, CA

   STORY OF CREATION, Westminster Woods, Occidental, CA

   THE NATURAL BEAUTY OF CALIFORNIA Haven's Elementary, Piedmont, CA

7. Please describe how you envision reaching out to the teen community. Include the number of meetings and type of meeting/s you would want to offer and how you plan to recruit teens to participate.

   OUTREACH to the teen community will be through notices in MV Rec Department website and newsletters, as well as direct recruitment with local middle and high schools and teen organizations such as Boy and Girl Scout troops. I will also set up a project-related Facebook page, Twitter account and Pinterest board where progress can be followed, participants can get information and post project photos and inspiration, and where we can all interact.

   WORKSHOPS - 3 sessions will be dedicated to concept and design, ceramics production and materials prep.

   FINAL INSTALLATION typically requires two consecutive weekends, or 3 consecutive days (i.e: Friday afternoon, Saturday and Sunday). Variables can include time of year, the number of participants, and site availability.

I have enjoyed the opportunity to prepare this material for your review and thank you in advance for your consideration,

Leslie Scott

Inclusions:

Mosaic Timeline
Photos of Past Installations with Teens
Letter from Laurie Prothro (to give context for quote)

Client responsibilities
Approve Location, Size of Mural, Theme, and Design
Provide Site Coordination and Access
Provide Participant Solicitation and Coordination (as needed)
Timely payment of 3 installments
Possible Client roles

Artist responsibilities
Facilitate Brainstorming with Participants
Create Design for the mural
Procure all necessary tools and materials
Facilitate Ceramic Workshops and process ceramic components
Facilitate Mosaic Installation including setting, grouting, sealing and site cleanup

CLIENT

ADMIN

CLIENT CONTACT

The typical project is easily doable in **7 weeks** once Location, Size, Theme and Budget have been determined.
At that point, a contract between Artist and Client (including project timeline) is drawn up and payment of the **first of 3 installments** is made to the Artist.

The process begins with **Design Development** and Client and Participants meet for a brainstorming session that defines for the Artist the theme, pertinent visuals and any wording that is to be included in the imagery. Sketches are solicited from Participants to be used as inspiration for final design and style by Artist. If any modifications are to be made, the Artist can usually turn them around rather quickly. If more than 2 revisions are needed it may be necessary to renegotiate a separate design fee especially if these modifications are motivated by Client request for change of direction.
Solicitation of Participation by interested parties at this point.

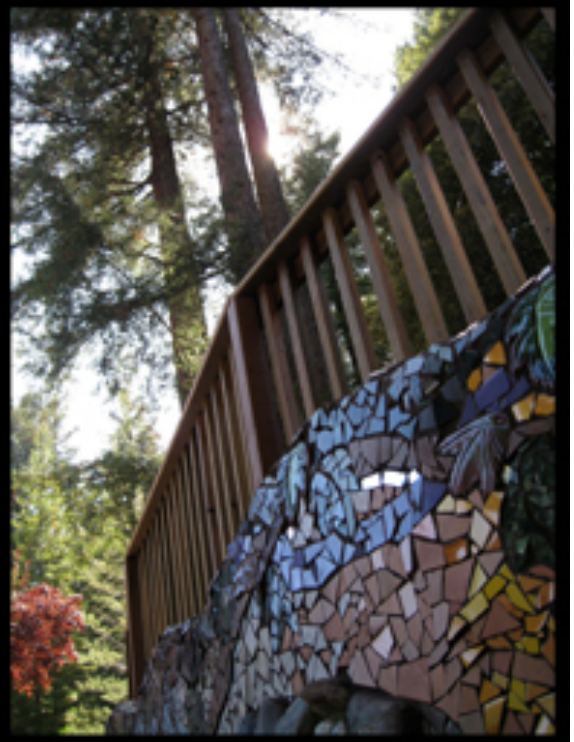
Once imagery is approved, the Artist will determine which ceramic components need to be produced and procures the necessary materials. **Ceramics Workshop/s** (to be held at Client location) are facilitated by the Artist who guides Participants in making ceramic components for the murals. All ceramics are then fired by the Artist offsite, a process which usually takes 8-15 days from the end of the last ceramics workshop.

Once ceramics production is completed, **Client makes the 2nd payment installment** to the Artist who then procures materials for the final mosaic installation. At this time **Client should submit to the Artist numbers of volunteers confirmed** to participate in the installation. Typical installation requires **2 days to set the mosaic**, **1 day to grout and polish, 1 day to seal the mosaic and complete the final installation**, **and site cleanup.**
Depending on the location of the final installation, assistance from Client and/or Site Maintenance personnel may be required.
Payment of the final installment is due to the Artist once the mosaic is sealed and site cleanup is completed.

TYPICAL PRODUCTION AND INSTALLATION CALENDAR

DAY	CLIENT	ARTIST	PARTICIPANTS
1	Confirm Size, Location, Budget, Timeline Sign Contract - Pay 1st Installment to Artist	Lead Brainstorming Session - Begin Design Process	Participate in Brainstorming Session
2	Begin Soliciting Participation	Assist in Solicitation of Volunteers	
5			Submit sketches to Artist
15		Submit Design for Approval to Client	
17	Approve Design or Identify Modifications for Artist		
20		Finalize Design for Approval to Client	
21	Approve Design - Submit Participant numbers to Artist		
22		Purchase Ceramics Materials	
24		1st Ceramics Workshop	1st Ceramics Workshop
24		2nd Ceramics Workshop	2nd Ceramics Workshop
27	Finalize and Submit Participants Numbers to Artist	Begin Ceramics Processing Purchase Mosaic Materials	
40	Assist with Coordination of Participants Pay 2nd Installment to Artist	1st Day Mosaic Installation (set mosaic) (4hrs + 1hr setup + 1 hr cleanup)	1st Day Mosaic Installation (in shifts)
41	Assist with Coordination of Participants	2nd Day Mosaic Installation (set mosaic) (4hrs + 1hr setup + 1 hr cleanup)	2nd Day Mosaic Installation (in shifts)
48	Assist with Coordination of Participants	3rd Day Mosaic Installation (grout) (4hrs + 1hr setup + 1 hr cleanup)	3rd Day Mosaic Installation (in shifts)
49	Assist with Coordination of Participants	4th Day Mosaic Installation (sealant) (4hrs + 1hr setup + 1 hr cleanup)	4th Day Mosaic Installation (in shifts)
50	Coordinate Maintenance Personnel (if needed) Pay Final Installment to Artist	Final Project Cleanup	

Client Admin Client Contact



Westminster Woods Camp and Conference Center
OCCIDENTAL, CA

Westminster Woods Camp and Conference Center
OCCIDENTAL, CA

Harmony/Salmon Creek Charter School
OCCIDENTAL, CA

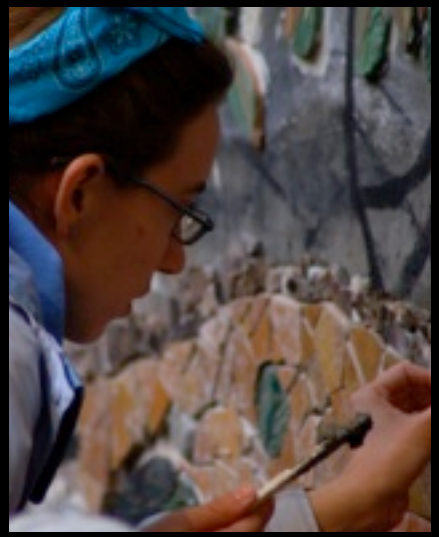
Harmony/Salmon Creek Charter School
OCCIDENTAL, CA

ATTACHMENT 2

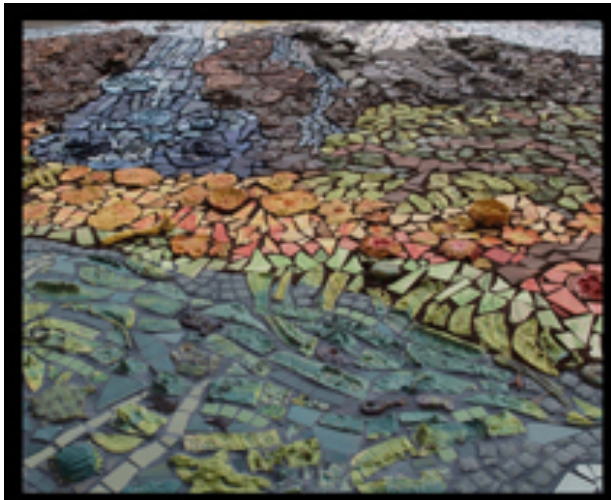
Westminster Woods Camp and Conference Center

OCCIDENTAL, CA

Westminster Woods Camp and Conference Center
OCCIDENTAL, CA



Havens Elementary School
PIEDMONT, CA



Havens Elementary School
PIEDMONT, CA

Havens Elementary School
PIEDMONT, CA

Index of collaborative mosaic murals created and installed with groups of teens and children
submitted by **Leslie Scott**

	PROJECT TITLE AND LOCATION	COLLABORATORS	DESCRIPTION
1	**MEMORIAL WALL** Westminster Woods, Occidental, CA	**high school campers** and counselors	final installation
2	**MEMORIAL WALL** Westminster Woods, Occidental, CA		work process
3	**OUR ECOSYSTEMS** Harmony/Salmon Creek School, Occidental, CA	**lower school** (some ceramic production) and **middle school** (full process and installation)	final installation
4	**OUR ECOSYSTEMS** Harmony/Salmon Creek School, Occidental, CA		work process
5	**THE STORY OF CREATION** Westminster Woods, Occidental, CA	**middle school** **high school** and community volunteers	final installation
6	**THE STORY OF CREATION** Westminster Woods, Occidental, CA		work process
7	**THE NATURAL BEAUTY OF CALIFORNIA: INLAND PERSPECTIVE** Piedmont, CA	**K-5** and community volunteers	final installation
8	**THE NATURAL BEAUTY OF CALIFORNIA: COASTAL PERSPECTIVE** Piedmont, CA		final installation
9	**THE NATURAL BEAUTY OF CALIFORNIA: INLAND AND COASTAL PERSPECTIVES** Piedmont, CA		work process

HARMONY UNION SCHOOL DISTRICT

Harmony Elementary School & Salmon Creek School – A Charter School
1935 Bohemian Hwy
Occidental, California 95465
707 874 1205 + 707 874 3280
FAX 707 874 1226

September 17, 2010

To whom it may concern:

I wholeheartedly recommend Leslie Scott for your Public Art project. Having had the good fortune to work with Leslie firsthand, I can attest to the positive impact her art and process have on schools, communities and students.

In the spring of 2009, the Harmony Union School District embarked on a major multidisciplinary arts project tied to the district's environmental education curriculum. When we approached ceramic artist Leslie Scott with an idea for two small murals, she encouraged us to think big. She proposed engaging all our students (K-8th grade) in a multi-faceted program culminating with the installation of ceramic and tile mosaic murals which would depict the three ecosystems surrounding our school. Those murals now span approximately 350 square feet in the newly constructed LEED building on campus. Leslie was able to transform a simple project into a beautiful, enduring work of art as well as a wonderful example of place-based, environmental education at its best.

Over a six-week period, students worked with Leslie to design, produce, and install the murals. She had them draw on their prior knowledge and ongoing studies in science and environmental education as they identified native animal and plant types, researched specific flora and fauna, and included in their designs such details as the proper coloring of a spawning steelhead and the scientific names of native birds. The students showed their broad understanding of the balance and interdependence of ecosystems in their sketches, which Leslie then consolidated into a single, coherent composition. Under her expert guidance, students created and glazed textured ceramic pieces, which were then integrated into the broken tile mosaic.

Stressing such important concepts as collaboration, permanence, responsibility, and shared outcomes, Leslie encouraged each student to invest his or her very best effort. She worked tirelessly with students of every grade and ability, emphasizing that each of them was making a valuable contribution to what would become their permanent legacy to the school and community.

Leslie's process demanded creative thinking, emphasized hands-on, collaborative, project-based learning, and taught technical and logistical skills. The success of Leslie's approach is seen in the exceptional beauty of the final murals, the admiration of the broader community and the personal and collective pride of the students. As an unexpected bonus, the installation is now used as an integral teaching tool in the 2nd and 4th grade science curriculum, with a visit to the murals kicking off their studies of local habitats. Guided by her amazing artistry and creative force, our students learned that together they could succeed at something much grander than the sum of their parts. Recently, I overheard one of the middle-school students giving a tour to a guest of the

Trustees: Bryce Hetler, Henry Goff, Alex Mountjoy, Fawn Nekton, Dennis Rosatti Jr.,
Principal: Rene McBride + Superintendent: David Wheeler
www.harmony.k12.ca.us

LEED building. As they stood in front of the murals, he spread his arms out wide and proclaimed proudly, “We did this!”

Leslie creates enthusiasm, fine works of art that beautify spaces and opportunities for collaboration that build communities and empower students. As you look to select an artist for your installation, I encourage you to give serious consideration to Leslie Scott as a most worthy candidate.

Please don’t hesitate to contact me if you have any questions.

Sincerely,

Laurie Prothro
District Librarian and member, Place-Based Learning Steering Board
Harmony Union School District

DATE: December 10, 2013

TO: Honorable Mayor and City Council

FROM: Martin Alkire, Principal Planner
Randal Tsuda, Community Development Director

VIA: Daniel H. Rich, City Manager

TITLE: **North Bayshore Precise Plan**

STUDY SESSION MEMO

CITY OF MOUNTAIN VIEW

PURPOSE

The purpose of this Study Session is to receive direction from the City Council on key North Bayshore Precise Plan land use and transportation strategies.

BACKGROUND

Executive Summary

This report presents key North Bayshore Precise Plan land use and transportation strategies. The Precise Plan process requires City Council endorsement of a preferred land use and transportation strategy to begin the Environmental Impact Report (EIR) process. This is similar to the process used during the 2030 General Plan process. The preferred land use option and transportation strategy will form the basis of the Draft Precise Plan, which is planned to be available in spring 2014.

The information in this report is based on input and direction from the City Council, Environmental Planning Commission (EPC), and stakeholder groups; the 2030 General Plan (North Bayshore Change Area); the North Shoreline Transportation Study; the Plan's Draft Vision and Guiding Principles; and further staff and City consultant analysis.

The main topics discussed in this report include:

- A high-level sustainability framework for land use and transportation;
- Three land use options, which allocate future growth in different "character areas" (core, edge, and general) across the planning area;

- A proposed transportation network, which includes new connections to the area, and increased street connections within the area;

- "Street typologies," which include new street types and designs that prioritize different modes of travel for transit users, bicyclists, and pedestrians; and

- Transportation Demand Management (TDM) strategies.

The staff and consultant presentation to Council will include additional graphics and information on these topics.

The following are key questions for Council to consider:

- **Land Use Options.** Does Council support staff's recommendation or have any comments on the land use options and character areas for the North Bayshore Precise Plan?

- **Transportation Network.** Does Council support the proposed transportation network approach for autos, transit users, bicyclists, and pedestrians?

- **Charleston Road Bridge.** Does Council wish to further study a potential bridge connection at Charleston Road?

- **Street Typologies.** Does Council have comments on the proposed street typologies, including the design and function of Charleston Road as a transit boulevard?

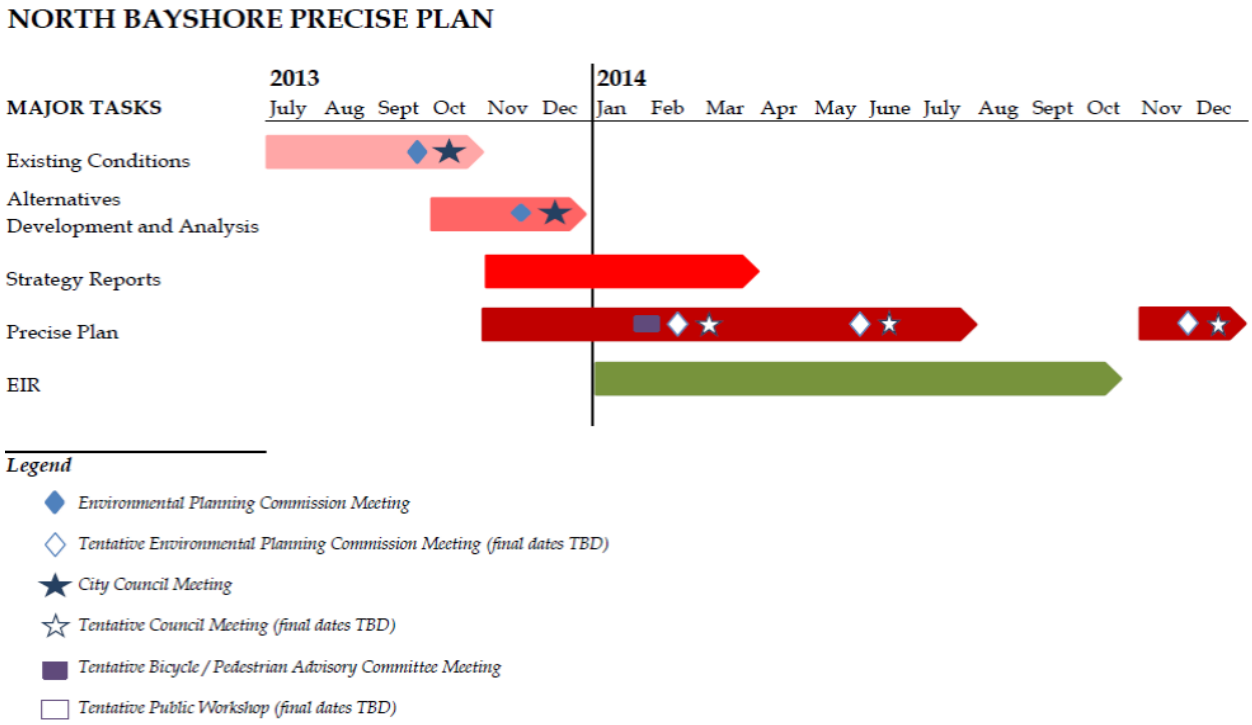
- **Transportation Demand Management.** Does Council have comments on the Precise Plan's approach to TDM?

A City Council meeting is scheduled for January 14, 2014 to present urban design strategies for the Precise Plan, including more specific floor area ratio (FAR) and building height information, and to respond to any Council comments or questions from tonight's meeting.

The EPC and Council will review Precise Plan policy materials in winter/spring 2014, including more detailed review of the land use and transportation strategies; the sustainability framework in greater detail; goals and policies; development regulations and guidelines; and funding and implementation strategies. The EPC will review detailed language on these policy materials. Exhibit 1 below shows the key tasks and

milestones for the project. Specific EPC and Council meeting dates and topics will be determined in early 2014.

Exhibit 1: North Bayshore Precise Plan Process



EPC and Council Meeting Summaries

This section summarizes EPC, Council, and public comments from recent meetings on preliminary Precise Plan concepts and strategies.

<u>December 4, 2013 EPC Meeting</u>

The EPC discussed the land use and transportation strategies presented in this report at their December 4, 2013 meeting. Key EPC comments included:

- **Land Use Options**
  - General support for Land Use Option 2, with some discussion of modifying Land Use Option 3 to reduce intensity near the Stevens Creek edge and add intensity towards Shoreline Boulevard/Highway 101.

- Land Use Option 2 is the best option to ensure success of transit.
- What other incentives besides FAR could be provided?

- **Transportation Network**
  - Pedestrian connections to the area are very important.
  - Broad support for proposed transportation network and creative strategies.
  - Charleston Bridge could be beneficial to overall network; could be acceptable if limited to transit, bikes, and pedestrians.
  - Breaking up the large blocks is a good strategy for the area.
  - Improvements will make it easier for employees to leave the area and support small businesses, including downtown businesses.
  - Support for broadening public access throughout area.
  - Parking structures can be located towards Highway 101.

- **Street Typologies**
  - Support for Gateway and Transit Boulevard types.
  - More information requested for Access street types.
  - Concern about using Amphitheatre Parkway as a major vehicle route.

- **Transportation Demand Management (TDM)**
  - Broad support for having both new development and existing businesses contribute to area TDM programs.
  - What incentives or programs can companies provide to reach the 45 percent single-occupancy vehicle (SOV) target?
  - The number one priority is addressing the number of cars entering/exiting area.

- **Other**
  - Concern that some of the land use and transportation strategies are untested; prefer to follow tried-and-true methods.
  - Concern that the 2030 General Plan allows too much development; can North Bayshore area be developed at less than the maximum allowed.
  - View corridors are important to the area.
  - Area is naturally beautiful—protect the Heritage trees.
  - Consider strategies to support small businesses in area.

Thirteen members of the public had the following comments:

- **TDM.** All businesses in area should participate and support TDM programs.
- **Land use.** General support for Land Use Option No. 2. Comment that Land Use Option No. 1 provides more uniformity and consistency for property owners. Concern over general higher intensities. Edge conditions are too restrictive. Option No. 3 should be modified to include higher intensities for properties along Highway 101/La Avenida. Concern over FAR tiers and more regulations.
- **Parking.** Reduce supply of parking to help reduce single-occupancy trips. Counterpoint that businesses should be allowed to build as much parking as needed.
- **Charleston bridge.** Connection to NASA-Ames light rail could be viable. Bridge could create additional traffic to Highway 101.
- **Moffett Field.** Uncertain over how new growth and development at Moffett Field could impact North Bayshore.
- **Views.** Concern over views from Shoreline Park to mountains impacted by new buildings.
- **Transportation strategies.** Should pursue all strategies. Desire for Precise Plan to reference the Shoreline Transportation Study's list of infrastructure improvements. Support for pedestrian network. Can public spaces be included along pedestrian network?

- **Ecology.** Management of ecological resources is important.

- **Stevens Creek Trail.** Stevens Creek trail and its users already impact biological resources in area.

- **Small businesses.** Can regulations be developed to provide preferences for products and services produced by area small businesses?

October 15, 2013 City Council Meeting: Preliminary Precise Plan Concepts

Council discussed preliminary land use and habitat/open space Precise Plan concepts and a draft vision, guiding principles, and evaluation criteria. Key Council comments included:

- **Character Areas/Land Use Concepts**

  - Reduce vehicles at edge area and focus on bikes and pedestrians. Move intensity towards freeways. Make area as free of vehicles as possible.

  - Support for Transfer of Development Rights concept.

  - Support area small businesses. Look at types of small businesses. Focus on Shoreline Boulevard as small business area.

  - Make area more compact and walkable. Support a campus setting that is more walkable.

  - Consider locating higher intensities closer to Highway 101.

- **Transportation**

  - Goal is to reduce the percentage of new SOV trips to North Bayshore.

  - Plan for future transportation technologies.

  - Bike and pedestrian network should extend throughout area.

  - Widen bike and pedestrian paths shown in images along Shoreline Boulevard; the path area is not proportionally wide enough compared to vehicle area.

- Trip cap may not be flexible enough.
- Plan for light rail to connect to area.
- Use Transportation Management Association (TMA) for creative ways to get people to Shoreline Amphitheatre.
- Concern over vehicles on Shoreline Boulevard; focus on bikes and pedestrians.

- **Parking**
  - Do not emphasize surface parking lots. Support replacing surface parking with parking structures or open space.
  - Create disincentives for parking.
  - Locate centralized parking near Highway 101.
- **Infrastructure**
  - Ensure systems are above flood-prone areas so they are protected if levees are breached.
- **Evaluation Criteria**
  - Include criteria such as quality of habitat; quality of open space; decreasing use of natural resources; pilot projects for area; protection/improvement of edge areas; number of vehicles entering/exiting the area.
- **Open Space/Habitat**
  - Address feral cat issue.
- **General**
  - Plan is too specific.
  - More input needed from area property owners.

Seven members of the public had the following comments:

- **Tidal location.** North Bayshore is an important part of the Bay's tidal area.

- **Habitat/wildlife.** Support for habitat/wildlife focus, including edge area character that is close to wildlife areas. Remove "food subsidies" to protect wildlife. Ban feeding of all animals. Address feral cat problem. Transfer of development rights can be an important tool to protect habitat-sensitive areas and focus development near the core.

- **Transportation.** Support for pedestrian/bike bridges. Shoreline Boulevard can be an important high-frequency transit area. Require parking maximums. Reduce parking areas and allow more room for buildings.

- **Open space.** Consider removing buildings and expanding habitat areas. Useable open space is important. Connect the north/south open space zones.

<u>September 25, 2013 EPC Meeting: Preliminary Precise Plan Concepts</u>

The EPC discussed preliminary land use and habitat/open space Precise Plan concepts and a draft vision, guiding principles, and evaluation criteria. Key EPC comments from this meeting included:

- **Walkable blocks.** Support for creating more walkable blocks in the area.

- **Start-up businesses.** How can the area be affordable for start-ups?

- **Character areas.** General support for the type and location of character areas, including potential building types. The core area should add services so nearby employees can walk or bike to the area without getting in their cars. More study of possible land use and transportation for the core area is needed. Comment that the character area boundaries should be smaller.

- **Alternative transit.** More information is requested.

- **Habitat/open space.** General support for the habitat/open space ideas and policy recommendations.

- **Vision/guiding principles.** General support for the draft vision and guiding principles. Support for the balanced approach to preserving the area's unique characteristics. Want to ensure the vision reflects input from the general public;

the public will be asked for more input on this in 2014. Concern about including "structured parking" as a concept in the vision.

- **Precise Plan scope/General Plan alignment.** Concern that the scope has expanded, and now includes Charleston Road as a key transportation spine, and that the core area has expanded beyond the General Plan land use designation area. Need to ensure that Precise Plan materials are consistent with the General Plan. Comments that the Precise Plan seems overly specific, yet it can also be more specific as it implements the broad direction of the General Plan.

- **District-level sustainability.** Support for including a pilot project approach to improving district-level sustainability performance in areas such as water, energy, waste, etc.

Five members of the public had the following comments:

- **Small businesses.** A small business owner noted they need to be accessible to their clients; rents need to be affordable; and other compatible small businesses could help other small businesses in the area. Preserve diverse small businesses such as Gold's Gym.

- **Native species direction.** Support for initial biologist recommendations regarding preservation and enhancement of native species. Rooftops could be considered for bird habitat. Feral cats are a big problem that needs to be addressed to protect bird species.

- **Transportation.** This is the main challenge for the area that needs to be solved. Ensure that Shoreline Boulevard works with transit and higher intensities. Show pedestrian connections and walkways in graphics to ensure implementation.

- **Vision.** Too tightly focused on office uses; expand to include more information on retail, entertainment uses. Principles need to work for all uses.

<u>Revised Precise Plan Materials</u>

The City Council also directed further text revisions to the Precise Plan vision, guiding principles, and evaluation criteria. These revisions will be presented to the EPC and City Council in 2014 as part of further Precise Plan policy review.

Follow-Up Requests

The EPC and City Council also requested additional information on the following items, with staff responses in italics:

- **Employee information**—Provide more information on existing and new employees and amount of building square footage. *Estimating existing and future employees is difficult due to fluctuating hiring trends of area companies and different data sources. Our most recent information was from our Shoreline Transportation Study, which estimated 24,000 existing employees in 2012 over a total of 7.3 million square feet of building area. For 2030, the number of employees could reach approximately 36,000 over a total of 10.7 million square feet.*

- **Google**—What is Google's approach to bird-friendly building design? *Staff contacted Google, who may provide information on this request at the City Council meeting.*

- **Stevens Creek Bridge**—How much development will go between NASA Ames and Mountain View? Will a bridge be necessary? *This issue is described in greater detail later in this report.*

DISCUSSION

This section provides an overview of the following topics: sustainability framework for land use and transportation; land use options; growth projections and land use mix; transportation network concepts; and TDM approaches.

LAND USE

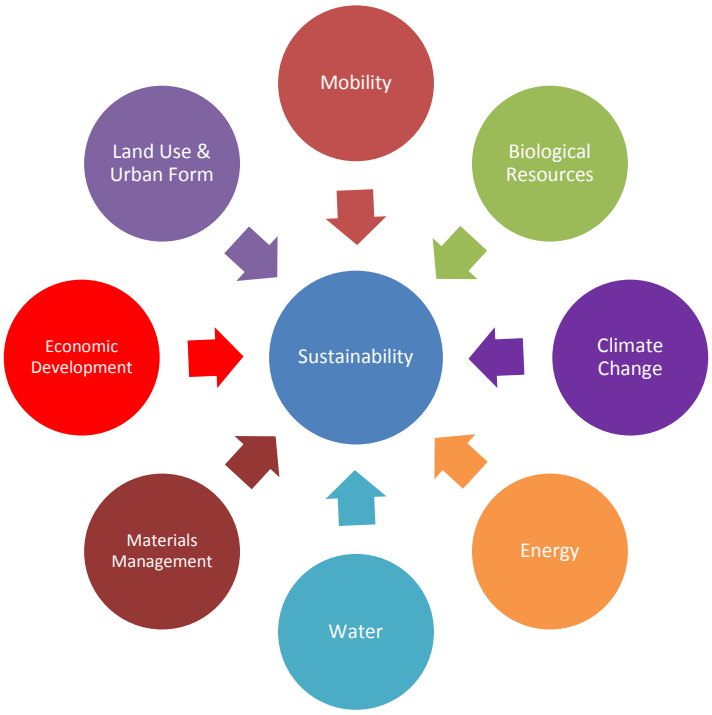
I. Sustainability Framework: Land Use and Transportation

The General Plan vision for North Bayshore identifies sustainability as one of the most important concepts and states that the area should have highly sustainable and innovative development. Ideas for highly sustainable and innovative development were presented to the City Council at their September 16, 2013 workshop. Based on feedback from Council, a draft Sustainability Framework approach and materials were developed for North Bayshore as summarized below.

The North Bayshore Sustainability Framework presents a vision for a vibrant high-technology employment district that emerges as a model of innovative and highly sustainable development. There are eight topics included within the Framework:

climate change, energy, potable water, materials management, economic development, biological resources, land use and urban design, and mobility (transportation). For each topic, the Precise Plan will identify goals, strategies, and programs to achieve the goals. In addition, where appropriate, there will be quantitative measures for each topic that can be tracked over time. The following diagram illustrates the key topics included within the Sustainability Framework.

Exhibit 2—North Bayshore Sustainability Framework



Of the topics presented above, biological resources and land use and urban form were discussed by the City Council and EPC in September and October. Further discussion on land use and urban form, and mobility will take place at EPC and Council meetings in December and January 2014. Given the site's location and potential for future development, these topics represent the greatest potential sustainability gains, and are cornerstones of a district-level approach to sustainability in North Bayshore. Transforming the district from an auto-oriented environment to one that is walkable and transit-friendly will also have multiple benefits for habitat, energy use, greenhouse gas emissions, and other areas.

The Sustainability Framework will be incorporated into the Precise Plan and will guide the planning, design, construction, and management of future development in the area, while also protecting and enhancing biological resources and

ecosystem function. An important aspect of the Sustainability Framework will be the relationship between sustainability and development projects. To achieve this ambitious vision for North Bayshore, every future project will need to achieve high levels of environmental performance. Projects will be incentivized to achieve greater levels of environmental performance through a system of FAR density bonuses. As envisioned now, the system will include three tiers: a base tier that all projects are required to meet, and then two higher tiers of sustainability incentives. The base levels of sustainability will be the same throughout all of North Bayshore, but the density bonus and the sustainability requirements for the other tiers will vary by character area, with the core area allowing the greatest amount of density bonuses and the highest levels of sustainability.

Staff and consultants are working to refine the goals, strategies, and development incentives for the Sustainability Framework. The results of this work will be presented to EPC and Council in 2014.

II. Land Use Options

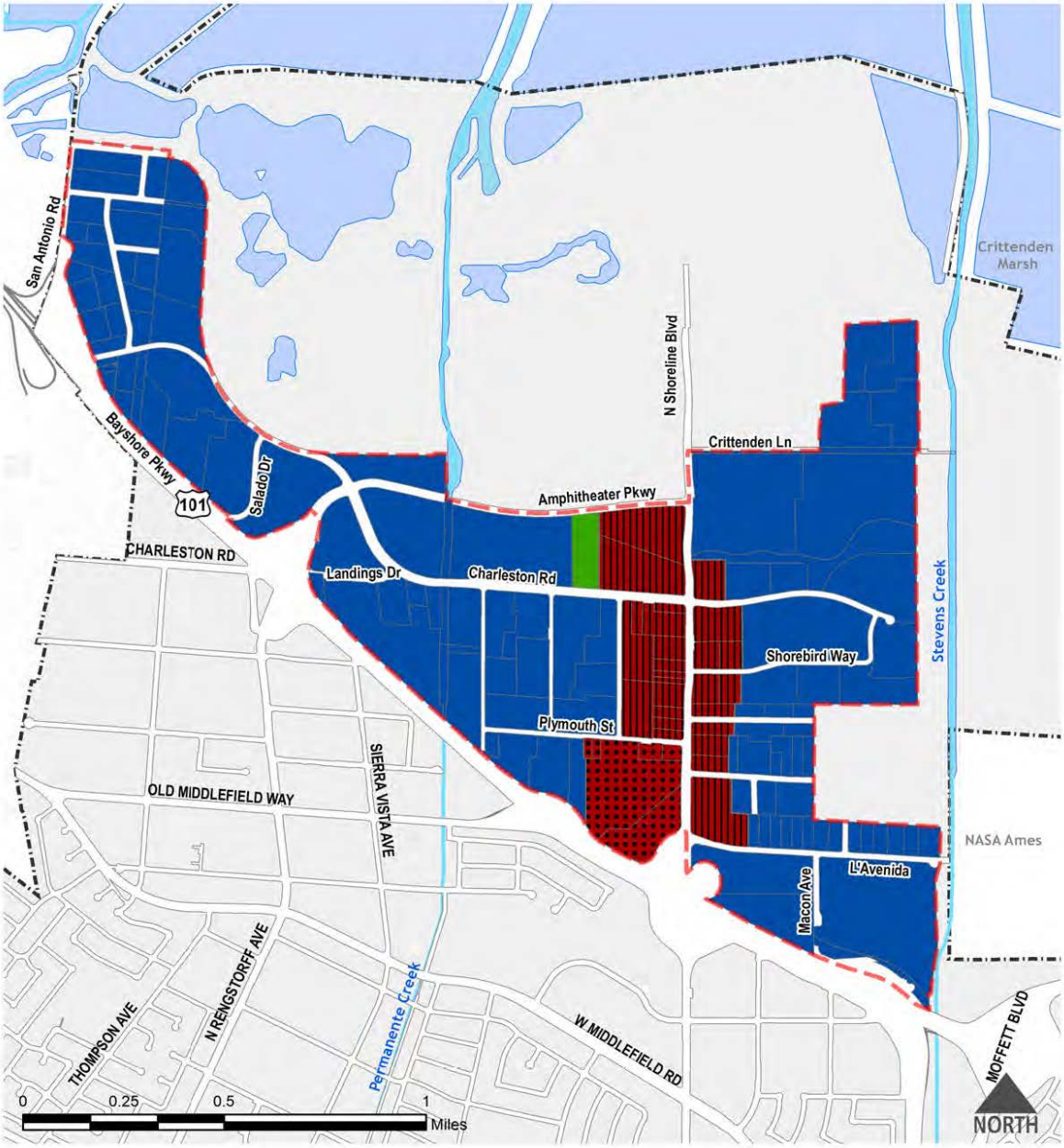
This section discusses three land use options for the area and the character areas (core, edge, and general) which form each option, and the overall projected growth within the Precise Plan area.

At EPC and Council meetings in September/October, a conceptual land use concept was presented which was broadly supported by both the EPC and Council. Key elements discussed included moving growth away from habitat areas, creating a finer-grained network of pedestrian- and bicycle-oriented streets and smaller blocks, and identifying three "character areas" at a range of intensities for the Precise Plan area. The Precise Plan team then refined the boundaries of the character areas for two of the land use options based on general EPC and Council direction. The existing General Plan option was not changed.

Below are broad descriptions of the three land use options. The assumptions for each option is that they all have the same general level of growth (3.4 million square feet of commercial square footage) with approximately the same amount of core, general, and edge areas.

Staff and consultants will bring additional information on building heights and FAR to the EPC and Council in January, including urban design concepts for each character area.

Exhibit 3—Option 1: Existing General Plan



General Plan Land Use Designations

- High-Intensity Office
- Mixed-Use Center
- North Bayshore Mixed-Use
- Parks, Schools and City Facilities

- City Boundaries
- Precise Plan Boundary

North Bayshore Precise Plan

Source: City of Mountain View, R+A, 2013

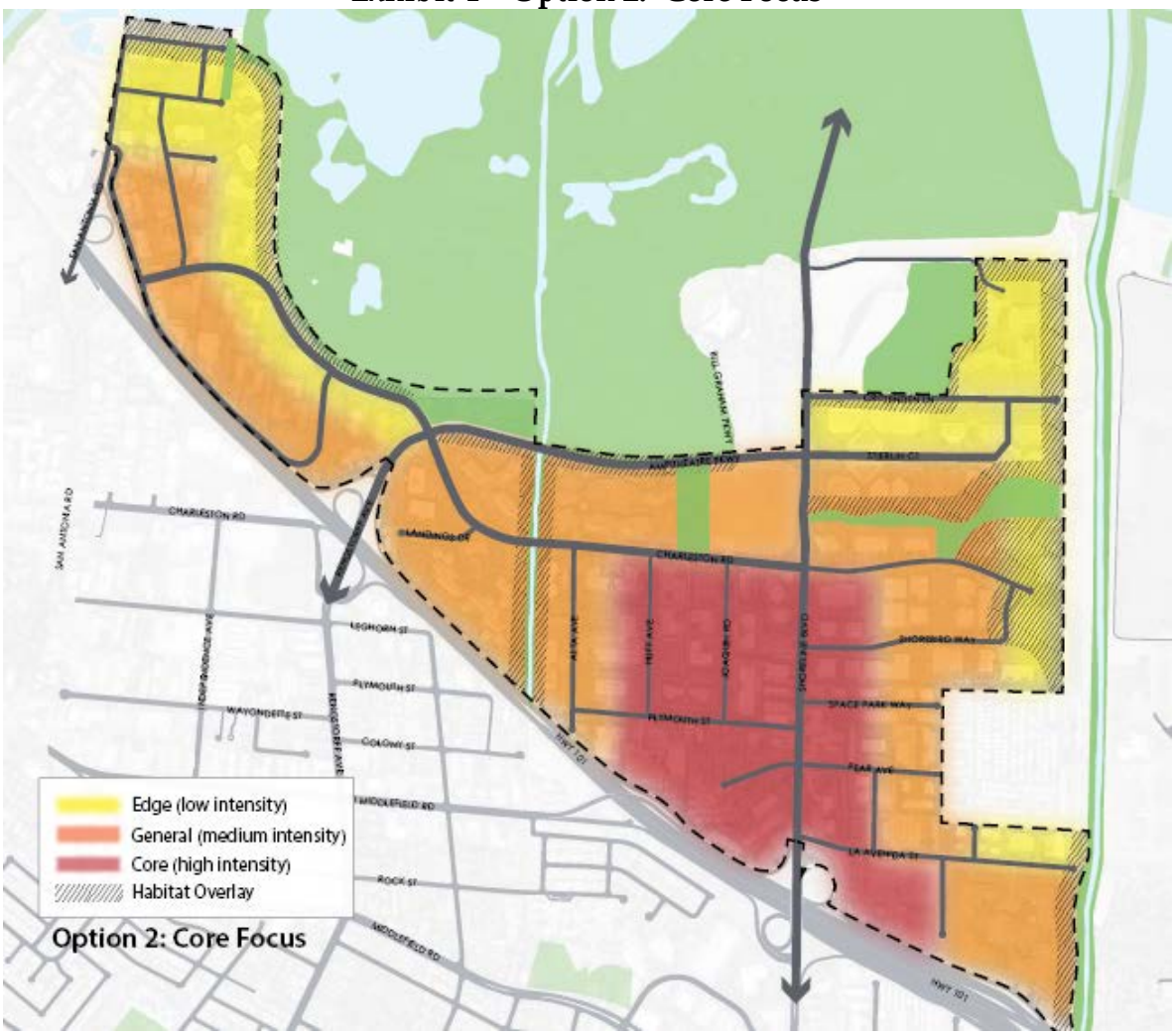
- Uses the 2030 General Plan's Land Use designations of High-Intensity Office; Mixed-Use Center; and North Bayshore Mixed Use.

- Concentrates services along Shoreline Boulevard.

- Uniform development throughout the area, with more intensive development at the Mixed-Use Center designation.

- Character of areas are based on 2030 General Plan form and character guidance.

Exhibit 4—Option 2: Core Focus



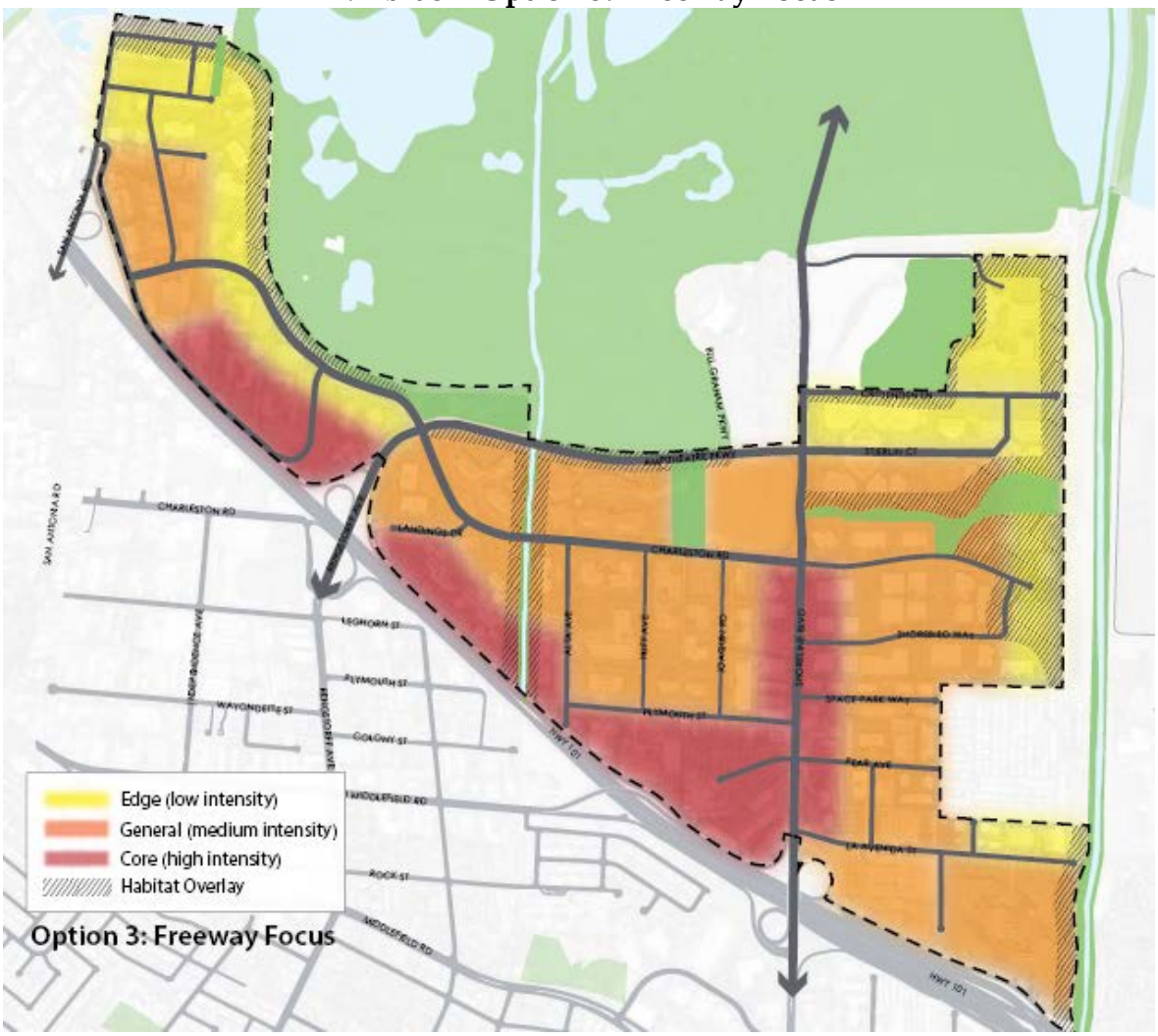
- Creates a core area where highest intensity is generally located from Highway 101 to Charleston Road, and from Huff Avenue frontages to parcels east of Shoreline Boulevard.

- A general area is located adjacent to the core area and along Highway 101.

- An edge area is located adjacent to Shoreline Park, the Charleston Detention Pond, and along the Stevens Creek corridor.

- A habitat overlay zone is located within mostly the edge areas to establish development regulations protective of habitat (i.e., potentially greater setback distances and height restrictions).

Exhibit 5—Option 3: Freeway Focus



- Expands the core area concept where highest intensity is generally located along Shoreline Boulevard and along Highway 101 towards San Antonio Road.

- A general area is located adjacent to the core area and in two smaller areas along Highway 101.

- Like Option 2, an edge area is located adjacent to Shoreline Park, the Charleston Detention Pond, and along the Stevens Creek corridor.

- Like Option 2, a habitat overlay zone is located within mostly the edge areas to establish development regulations protective of habitat.

Alternatives Analysis

The following is a high-level qualitative analysis of the three land use options.

Table 1—Alternatives Analysis: Land Use Options

	Option 1: *Existing General Plan*	**Option 2:** *Core-Focused Growth*	**Option 3:** *Freeway-Focused Growth*
Intensity of Land Uses	• Allows uniform development throughout the area, with more intensive development at the Mixed-Use Center designation. • New development would be spread throughout North Bayshore.	• Creates a core area where highest intensity is located from Highway 101 to Charleston Road, and from Huff Avenue to parcels east of Shoreline Boulevard. • Reduces height and intensities along edge.	• Concentrates most of new development along Highway 101 in office buildings and Shoreline Boulevard. • Reduces height and intensities along edge.
Land Use Mix	• Adds 3.4 million nonresidential square feet. • Concentrates services and retail along Shoreline Boulevard with a retail node at Gateway.	• Adds 3.4 million nonresidential square feet. • Concentrates services and retail along Shoreline Boulevard with retail nodes at Gateway and Shoreline Boulevard and Charleston Road. • Provides the greatest potential for retail and services since development is more concentrated than the other alternatives.	• Adds 3.4 million nonresidential square feet. • Concentrates services and retail along Shoreline Boulevard with a retail node at Gateway. • Has lowest potential for retail since development will be focused along freeway.

Table 1—Alternatives Analysis: Land Use Options

	Option 1: *Existing General Plan*	**Option 2:** *Core-Focused Growth*	**Option 3:** *Freeway-Focused Growth*
Biological Resources	• Does not make a specific accommodation for biological resources through development intensities; the same maximum intensity would be allowed throughout the majority of North Bayshore.	• Emphasizes highest intensities in core area and lowers intensities and heights near biological resources. • Limits growth and has lowest intensities near biological resources.	• Emphasizes highest intensities along Shoreline Boulevard and Highway 101 and lowers intensities near biological resources. • Limits growth and has lowest intensities near biological resources.
Transit Service	• Since development is spread and not focused, high levels of transit ridership may be more difficult to achieve.	• Concentrates higher intensity of development in core area and within a short walk of transit. • Design of walkable blocks with buildings close to street is most supportive of transit. • Has highest expected transit ridership due to concentration of development.	• High levels of transit ridership would be difficult to achieve since development would be concentrated along freeway and away from transit routes. • Supports very limited investment in public transit along Shoreline Boulevard.
Active Transportation	• Supports internal improvements in connectivity to Shoreline Boulevard and Gateway. • Walking may be limited since development is spread throughout North Bayshore and not concentrated in any area.	• Creates walkable blocks in core area. • Potential for highest rates of walking due to concentration of development.	• Auto-oriented patterns may result in lower rates of walking.

III. Growth Capacity and Mix of Uses

The land use option ultimately endorsed by the City Council will determine the location of growth and mix of land uses in the area, and will be studied in the Precise Plan EIR. The land use options analyzed above used the growth capacity assumptions established in the 2030 General Plan (3.4 million square feet of net new development). The maximum growth capacity studied in the EIR will also take into account any recently built or entitled projects in the City's portion of the North Bayshore Area. Future development proposed on the NASA Ames campus will also be considered in the EIR.

The Precise Plan EIR will identify the location and the allowed land uses within the Precise Plan area or subareas. This information will then be analyzed within the City's traffic model to identify potential traffic impacts of the Precise Plan.

The Precise Plan's allowed land uses will be based on the 2030 General Plan Land Use Designations, and include office/R&D; retail/services; hotel; entertainment; and arts and cultural facilities. Retail, services, hotel, and entertainment uses would be generally allowed within the Core Area along Shoreline Boulevard. If these types of uses are proposed outside of the General Plan land use designation along Shoreline Boulevard, then a General Plan amendment would be necessary.

The EIR will assume a certain amount of growth capacity for each land use category and will include office/R&D (up to approximately 3.2 million square feet net new development); retail/services (up to 100,000 square feet net new development); and hotel (290-room facility and conference space).

Recommendation

Based on an initial high-level assessment of the three options, staff recommends that Land Use Option 2: Core Focus would best implement the 2030 General Plan and previous EPC and Council direction.

Land Use and Urban Design Question

1. Does Council support staff's recommendation or have any comments on the land use options and character areas for the North Bayshore Precise Plan?

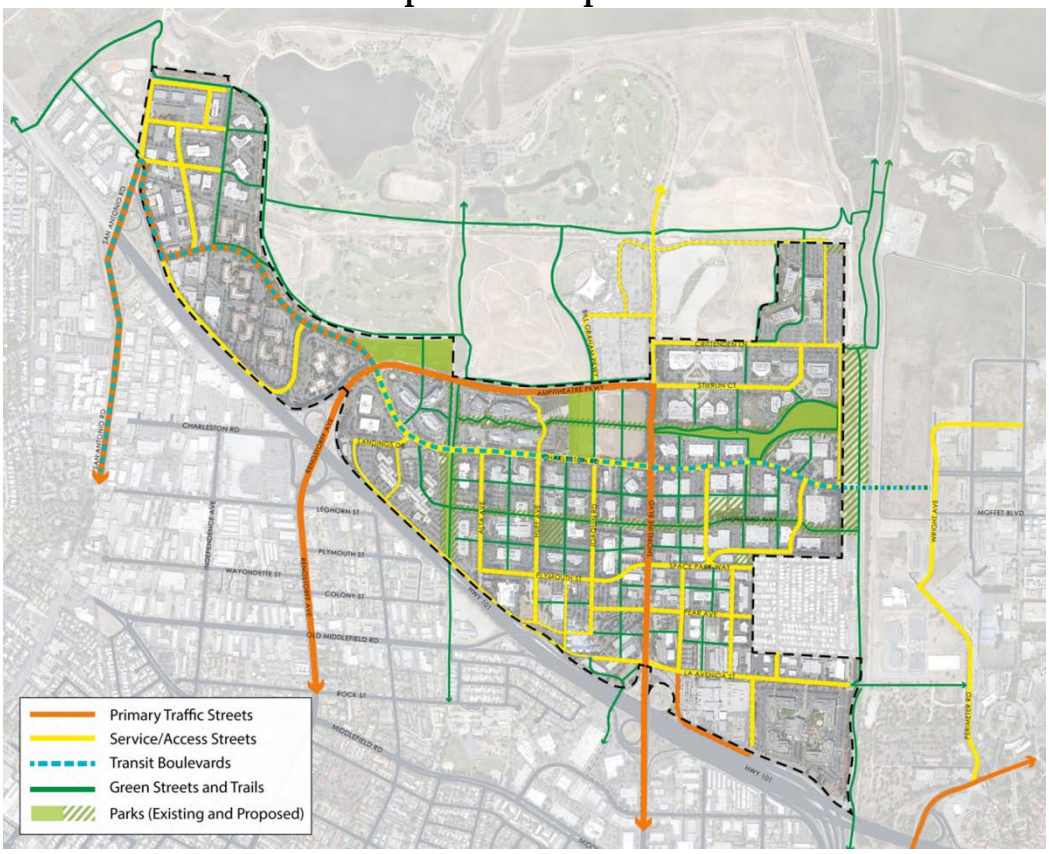
TRANSPORTATION

The Precise Plan transportation strategy is focused on three overarching elements: transportation network design; infrastructure and services; and TDM strategies, as detailed below:

I. **Transportation network design:** Plan a future transportation network to better support pedestrians, bicyclists, and transit users, and make travel by these modes more safe, convenient, and comfortable.

The existing network has large blocks with limited street connectivity. A new network is proposed (Exhibit 6) to achieve the 2030 General Plan's North Bayshore vision to break down the existing area's large blocks with new connections to allow easier and more convenient access and alternative routes for all modes of travel. This would help achieve the 2030 General Plan's goals to reduce auto trips to employer and retail/service destinations; reduce vehicle emissions; create more active and healthy transportation options; and support a campus-style character in the area.

Exhibit 6—Proposed Transportation Network



A key improvement is reconfiguring the Highway 101/Shoreline Boulevard off-ramp, which was identified in the Shoreline Transportation Study. Other key network modifications include extending La Avenida west to a potential "frontage road" along Highway 101, and adding a new north-south road parallel to Stevens Creek. A new route along Stevens Creek, while providing greater connectivity, may also conflict with Precise Plan goals for habitat protection. These competing goals would be further analyzed in the Precise Plan EIR to assess their benefits and any potential impacts.

These modifications will provide more routes for vehicles and help relieve congestion at key points. These improvements are long-term conceptual strategies that would require additional feasibility analysis, funding, design, and implementation over many years.

Improvements affecting Highway 101 would also require coordination and approval from Caltrans. They would not be included in the Precise Plan EIR as they will require further analysis beyond the time line for this study.

Street Typologies

The Precise Plan would also prioritize streets for different types of uses such as primary traffic streets, service/access streets, transit streets, and "green streets" for pedestrians and bicyclists. This approach is based on the general 2030 General Plan Street Typologies strategy.

The following table describes proposed new North Bayshore street types and their design requirements that would support the street's primary functions.

Table 1—Proposed North Bayshore Precise Plan Street Typologies

Street Type, Description, and Function	Travel Lanes	Bike Facilities	Parking Access
Gateway Boulevard. Major entries such as Shoreline Boulevard, Rengstorff Avenue, and San Antonio Road with high-quality bicycle and pedestrian facilities.	2 + 2 plus median	Cycle tracks	If needed for properties not served by access streets.
Transit Boulevard. Provide cohesiveness, amenities, and reliability for high-frequency transit.	Varies	Cycle track or path	No.

Street Type, Description, and Function	Travel Lanes	Bike Facilities	Parking Access
Access Street. Distribute auto traffic from Gateway Boulevards to parking lots. May be designed as a shared street.	1 + 1	Bike lane	Yes. Most parking accessed from these streets.
Green Street. Provide very high-quality walking and bicycling environment.	Low speed auto access, if any.	Shared street, path, or cycle track.	No.

The Precise Plan would include typical "street cross-sections" for these streets. The Precise Plan will include an implementation program for how these improvements would be designed, funded, and built over time.

II. **Infrastructure and services:** Provide infrastructure and services that help achieve the City's mode share targets.

<u>Pedestrian and Bicycle Infrastructure and Connections</u>

The transportation network would create new "green streets" internal to North Bayshore to serve pedestrian and bicycle modes. This would provide more safe, comfortable, and convenient routes for the large projected number of employees in the area. New and/or reconfigured connections into the area could also be designed to accommodate pedestrian and bicyclist travel.

Bicycle infrastructure improvements would include new cycle tracks, bike lanes, and shared bike/pedestrian streets (Exhibit 7). The new pedestrian network would include green streets, trails, and improved "walkable streets." Walkable streets would include new or widened sidewalks and street design modifications such as intersection "bulb-outs" to increase the safety and comfort of pedestrians.

Exhibit 7—Proposed Bicycle Network

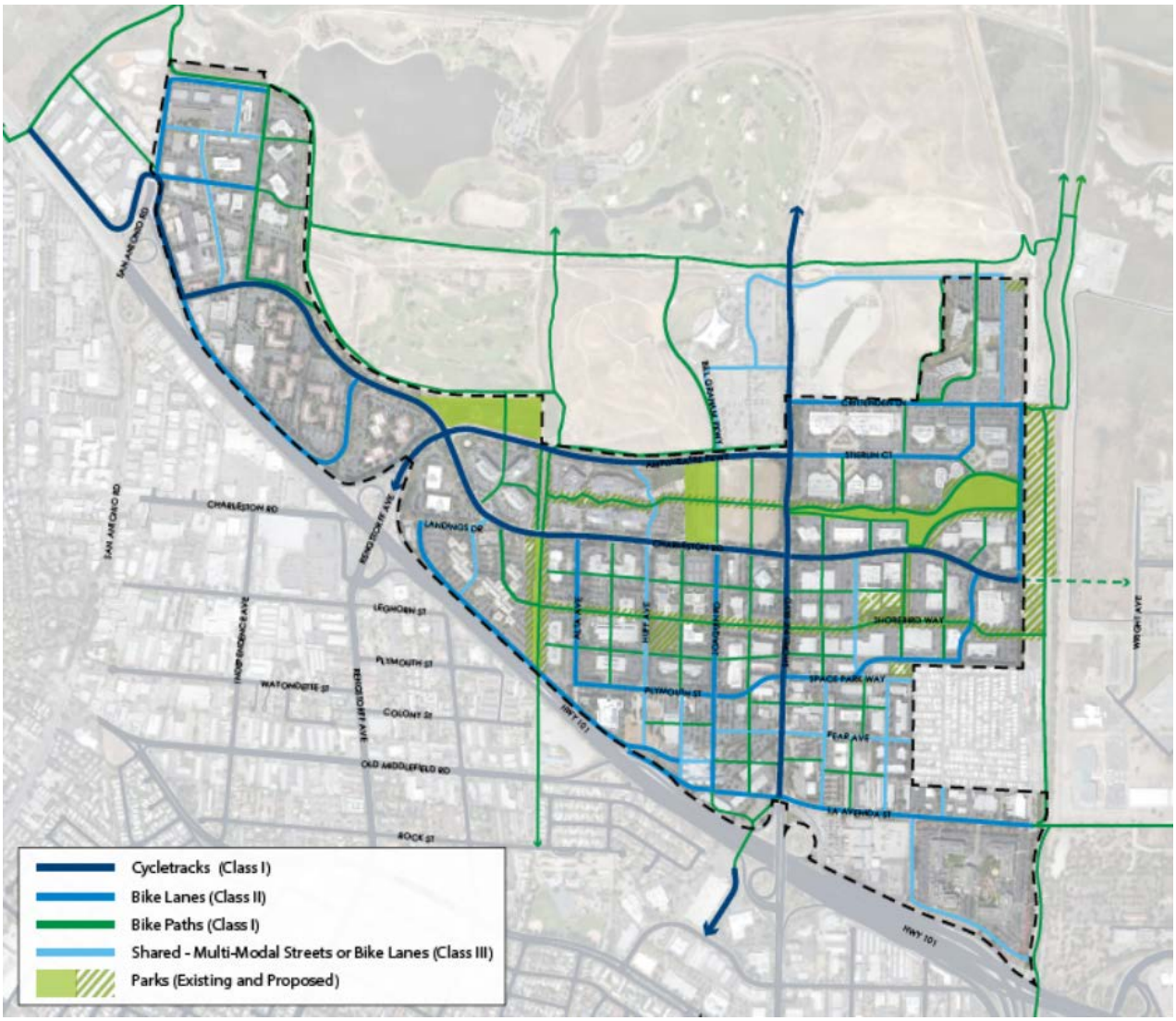
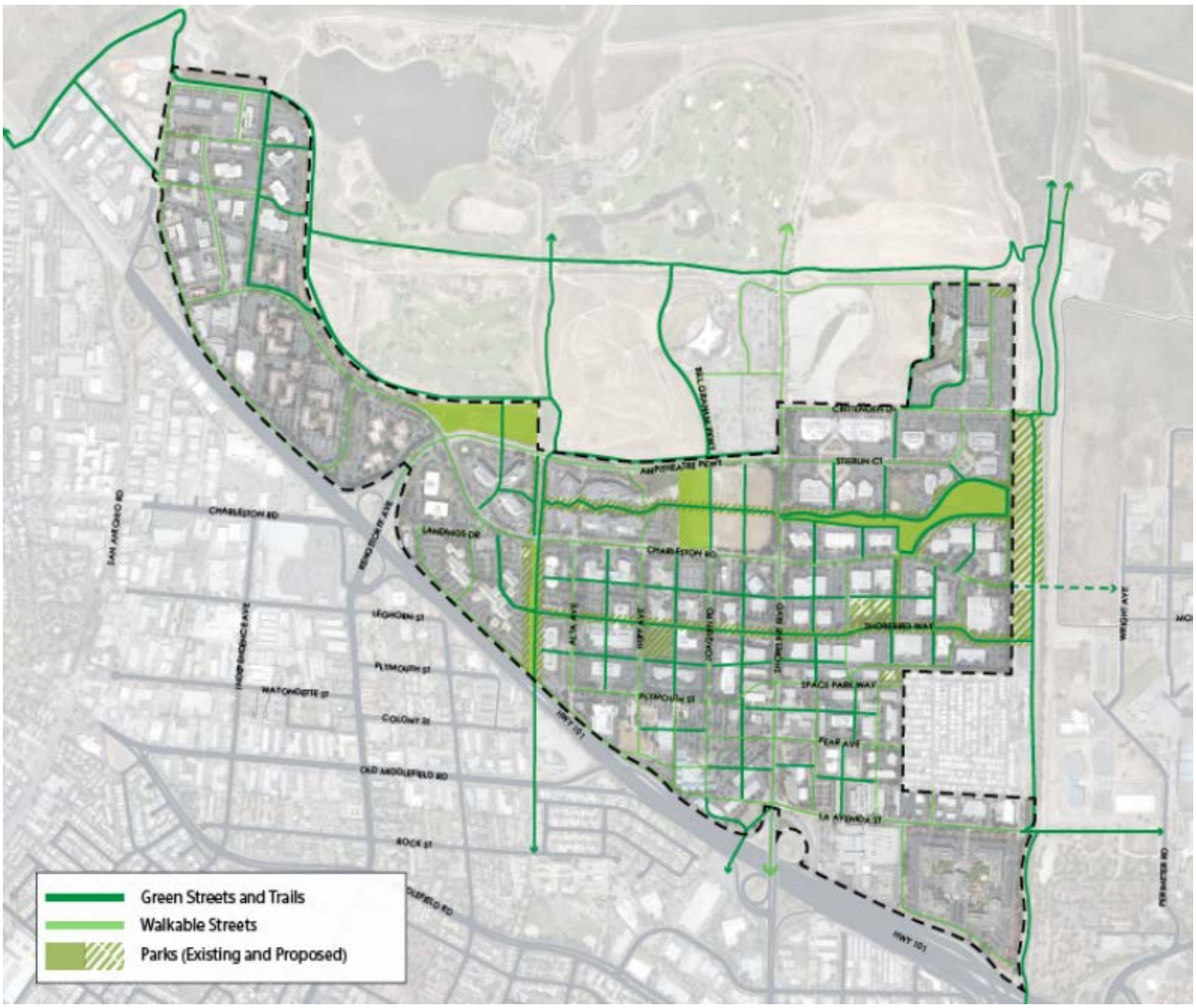


Exhibit 8 – Proposed Pedestrian Network



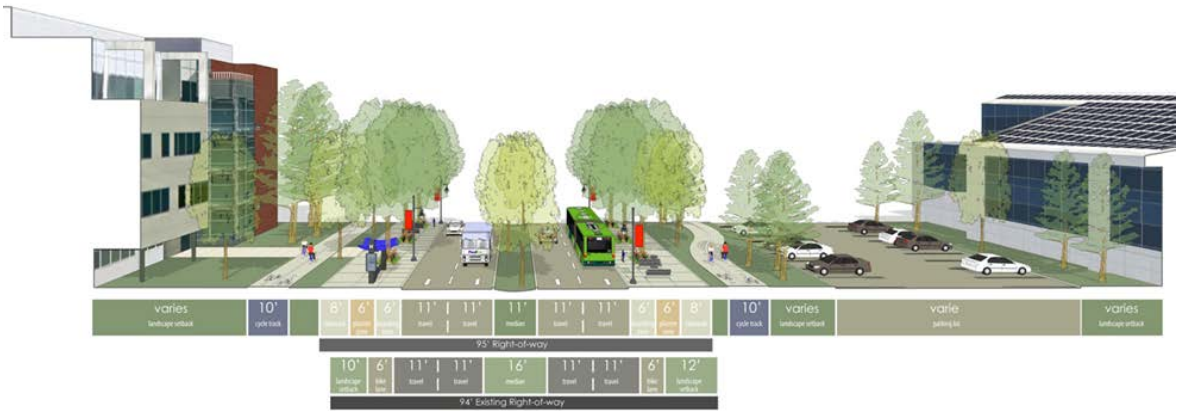
Expanded Public and Private Transit Services

A key strategy is to improve the transit network to and within the area. The network would include two "key transit spines" along Charleston Road and the Shoreline corridor (either on Shoreline Boulevard or Joaquin Road). This would serve the large number of North Bayshore employer shuttles/buses more efficiently and would provide convenient transit accessibility to the majority of employees in the area.

Charleston Road

The design of Charleston Road is envisioned as a transit-oriented boulevard, as shown below. It would include two-way cycle tracks on both sides, convenient bus loading at the curb, and 20′ sidewalks to serve as flexible space for either bus shelters, bike storage, or bike-share facilities.

Exhibit 9—Charleston Road: Transit Boulevard



Shoreline Boulevard/Joaquin Road

A new connection into North Bayshore along the Shoreline Boulevard/Joaquin Road corridor would support fast, reliable, and convenient transit service for employer commuter/shuttle buses to the area from the Downtown Transit Center. Buses would operate either on Shoreline Boulevard or along a reconfigured Joaquin Road, which would serve only transit, bicycles, and pedestrians. The City's North Shoreline Corridor Study will analyze the design and function of this new transit connection in greater detail to align with the goals of the Precise Plan.

Staff believes locating transit on Joaquin Road would result in more efficient transit performance since it would be a new dedicated transit connection and would move employer shuttles/buses away from Shoreline Boulevard congestion. The Joaquin Road transit corridor would connect to a new bridge across Highway 101, requiring cooperation from private property owners on both sides of the highway. There are several possible alignments for the bridge approaches, each of which may create different advantages and disadvantages for property owners. However, since the Precise Plan will allow greater intensities on these parcels, there is an opportunity to coordinate future development plans between the properties with the design of a new connection at this location. The Precise Plan could create development policies or incentives that would not penalize these property owners for allowing a portion of their land to accommodate a new connection. A new connection here could also add value to these properties by creating a convenient and accessible "transit hub" directly accessible to downtown. Further discussions with the property owners and analysis in the Precise Plan and North Shoreline Corridor Study will be required on this issue.

The transportation network would also look to increase transit connections to other areas such as San Antonio Center and potentially across Stevens Creek to NASA Ames.

Stevens Creek Bridge

A potential bridge over Stevens Creek at Charleston Road was discussed conceptually during the 2030 General Plan process and during the North Shoreline Transportation Study, and could be included as a second transit network option. A potential bridge at this location would be expected to only be accessible by transit, bicycles, and pedestrians.

Staff was asked by the City Council during the North Shoreline Transportation Study for additional information to be presented to them regarding this potential option, including bus routing information and how a bridge would impact the performance of the transportation network, primarily how it affects transit travel time to/from North Bayshore and how it improves roadway congestion by removing employer shuttles/buses from existing roadways. Further analysis on this issue would study the amount of development anticipated in the North Bayshore and NASA Ames areas; the conceptual design of the bridge; and the estimated number of transit vehicles, bikes, and pedestrians that the bridge would serve. Additional analysis would also look at the potential impacts to the habitat along the creek corridor.

The analysis of a potential new bridge at this location would come back to the City Council in spring 2014. Council could then decide if a bridge connection should be included as part of the Precise Plan. If Council desires this additional analysis, staff will return to Council with a request for additional consultant funding.

Recommendation

Staff recommends that the proposed transportation network and street typologies would best implement the 2030 General Plan vision for North Bayshore.

Council Transportation Network Questions:

1. Does Council support the proposed transportation network approach for autos, transit users, bicyclists, and pedestrians?

2. Does Council have comments on the proposed street typologies, including the design and function of Charleston Road as a transit boulevard?

3. Does Council wish to further study a potential bridge connection at Charleston Road?

III. **Transportation Demand Management strategies:** TDM strategies will identify how development will be linked to vehicle trip limits and mode share targets.

Forty-Five (45) Percent Single-Occupancy Vehicle (SOV) Target

The North Shoreline Transportation Study set an ambitious 45 percent target for single-occupancy vehicle (SOV) a.m. peak-hour trips (generally within the 7:00 a.m. to 10:00 a.m. period) for the North Bayshore Area. The 45 percent target was based on the network capacity in North Bayshore and the amount of future development projected from the 2030 General Plan. To achieve this target will require a strong TMA and a majority of new development and existing businesses implementing TDM programs.

Transportation Management Association

Corporations and property owners have begun forming the Mountain View TMA to reduce trips from major employment areas in Mountain View, including the North Bayshore Area. The TMA is expected to play a key role in helping the City achieve its transportation vision for North Bayshore. It is expected that the Precise

Plan will require new development to join and participate in the funding and operations of the TMA. When operational, the TMA is likely to focus on operating an integrated shuttle system connecting to the Downtown Transit Center that will assist TMA members in meeting TDM goals. In the future, the TMA could expand its services as agreed to by its member companies.

TDM Scenarios

Two TDM scenarios were analyzed for the Precise Plan. Scenario 1 would require all major employers to meet the 45 percent SOV target. Scenario 2 would require only new development to meet the target. The ability of TDM to help North Bayshore meet the 45 percent SOV target differs based on the scenario and the TMA programs.

Scenario 1: All Major Employers Meet the SOV Target

This scenario determined that out of the total 10.5 million square feet (msf) of building area in North Bayshore to 2030, 8.5 msf would need to meet the 45 percent SOV target. This amount represents both the existing large employers in North Bayshore and new General Plan growth for these large employers. The remaining 2.0 msf would not be required to meet the SOV goal. This scenario also assumes a 10 percent reduction in SOV rates for employees not subject to the SOV target who may utilize TMA programs. The scenario would result in a SOV mode share of 46 percent.

Scenario 2: New Development Only

This scenario requires only new development (3.5 msf under the 2030 General Plan) to meet the 45 percent SOV target. The remaining 7.0 msf of existing square footage would not be required to meet the SOV target. Like Scenario 1, it assumes a 10 percent reduction in SOV rates for employees not subject to the SOV target who may utilize TMA programs. The scenario would result in a SOV mode share of 51 percent.

TMA and SOV Rates

The TMA can play an important role in helping the district reduce its SOV rates. If the TMA's programs are open to all employers in North Bayshore (those with SOV targets and those without), then the TMA's services and their effectiveness will impact the SOV rates for the district. The estimated SOV rates based on the type of TMA services and their effectiveness could, therefore, result in approximate

ranges from 45 percent to 47 percent for Scenario 1 and 48 percent to 55 percent for Scenario 2.

Key Issues

The following are key issues that will be further analyzed during the Precise Plan process:

- Achieving the City's 45 percent SOV target would most likely require many office campuses in the area to voluntarily agree to implement TDM strategies.

- For Scenario 2, an SOV target higher than 45 percent would be expected to require additional, potentially significant infrastructure improvements to accommodate the increased number of SOV trips.

- The Precise Plan will require new development to include TDM strategies. The Precise Plan could structure this as an incentive to receive higher FAR. The Precise Plan would also likely include a menu of TDM strategies that new development could choose from to provide some flexibility.

- Additional analysis during the Precise Plan update process will address how to potentially apply TDM strategies to existing office space not redeveloping, how to require TDM strategies to tenants who lease but do not own their property, and how to create a monitoring program to report on TDM implementation over time.

- A monitoring program will inform what changes would need to take place to achieve the 45 percent SOV target over time. A monitoring program could inform necessary Precise Plan policy updates such as potential growth restrictions, modifying TDM strategies to include new programs or innovations, or identifying and funding necessary physical infrastructure improvements such as new connections or roadway improvements.

Recommendation

Staff and consultants will continue to refine the TDM approach for North Bayshore, including identifying TDM requirements and strategies that will become part of the Precise Plan.

Council Transportation Demand Management Question

1. Does Council have comments on the Precise Plan's approach to TDM?

RECOMMENATION

Staff recommends Council provide direction on the land use and transportation topics and questions listed in the Council report.

NEXT STEPS

The Precise Plan team will present additional urban design strategies, including building heights and FAR information, at the January 8, 2014 EPC meeting and January 14, 2014 City Council meeting. Following Council action in January, the Precise Plan EIR will begin.

PUBLIC NOTICING

Courtesy notices of this meeting were mailed to the North Bayshore interested parties lists and all property owners. In addition, the meeting agenda and staff report were posted on the City's Internet home page.

MA-RT/7/CAM
891-12-10-13SS-E