

ORDINANCE NO. 7.20

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36
(ZONING ORDINANCE) OF THE CITY CODE TO UPDATE
HOME-BASED CHILD-CARE REGULATIONS TO ALIGN
WITH NEW STATE REGULATIONS AND MODIFICATIONS TO PLANNED
COMMUNITY PERMIT REGULATIONS

WHEREAS, the City Council of the City of Mountain View has reviewed and considered the March 4, 2020 recommendation of the Environmental Planning Commission relating to Zoning Text Amendments to Chapter 36 of the Mountain View City Code; and

WHEREAS, the City Council of the City of Mountain View finds and declares that Chapter 36, entitled "Zoning," of the Mountain View City Code should be amended to be consistent with recent amendments to State law regarding home-based child care and to modify Planned Community Permit regulations to provide for variations from the applicable precise plan standards;

NOW, THEREFORE, the City Council of the City of Mountain View does hereby ordain as follows:

Section 1. Council Findings. On March 4, 2020, the Environmental Planning Commission held a duly noticed public hearing and reviewed all project materials, staff reports, public testimony, and environmental review on said Zoning Text Amendments and adopted a resolution recommending City Council approval of the Zoning Text Amendments.

The City Council finds and determines, at a duly noticed public hearing on June 9, 2020, that the following Zoning Text Amendments are consistent with the General Plan of the City of Mountain View based upon the following findings made pursuant to Section 36.52.70 of the City Code:

a. The proposed Zoning Text Amendments are consistent with the General Plan because they support land use policies and action plan of the 2030 General Plan because they update the Zoning Ordinance to address outdated or inconsistent policies with legislative updates by the City, State, or Federal agencies and provide increased clarity within the City Code pertaining to Planned Community Permits;

b. The proposed Zoning Text Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City because they are required to

be consistent with State law and will allow the City's provisions regarding home-based child care to remain enforceable and will provide increased clarity within the City Code pertaining to Planned Community Permits;

c. The proposed amendments are internally consistent with Chapter 36 (Zoning) of the Mountain View City Code; and

d. The proposed project complies with the California Environmental Quality Act pursuant to Section 15061(b)(3) because it includes Zoning Text Amendments to comply with recent legislation enacted by the State and amendments to clarify an existing section related to Planned Community Permits. Therefore, it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

Section 2. Chapter 36, Article IV, Division 2, Section 36.10.05, of the Mountain View City Code is hereby amended to read as follows:

"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					
	R1	R2	R3	RMH	R4	SEE SECTION
RESIDENTIAL						
Accessory Dwelling 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	P	P	P	P	P	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		
Safe Parking ¹	CUP	CUP	CUP	CUP	CUP	36.32 and Chapter 19
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

¹ Safe parking shall only be allowed on sites used for, and in conjunction with, the following uses in residential zones: churches; community centers; membership organization facilities; and schools, public and private.

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		

Section 3. Chapter 36, Article V, Division 2, Section 36.18.05, of the Mountain View City Code is hereby amended to read as follows:

“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
Small-Family Child-Care Home				P	
Large-Family Child-Care Home				P	
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	

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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					
Efficiency studios				CUP	36.28.40
Emergency shelters	CUP	CUP	CUP	CUP	36.28.60
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
Safe parking	CUP	CUP	CUP	CUP	36.32 and Chapter 19
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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
Secondhand 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
Cannabis business, nonstorefront retail		CUP			36.30.55, 36.60.03 and Chapter 9
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

LAND USE	PERMIT REQUIREMENT BY ZONE				
	CN	CS	CO	CRA	SEE SECTION
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”		

Section 4. Chapter 36, Article IX, Division 5, Section 36.28.20, of the Mountain View City Code is hereby amended to read as follows:

“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 and large family day-care homes.** Permitted within any single-family or multi-family dwelling in a residential zone.

b. **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 following:

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.”

Section 5. Chapter 36, Article X, Division 3, Section 36.32.50, of the Mountain View City Code is hereby amended to read as follows:

“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, inclusive of accessible and electric vehicle (EV) charging spaces required per Chapter 8 of the city code.

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
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			
Accessory Dwelling Units (See Sec. 36.12.60)	1 space per unit except if compliant with Sec. 36.12.75		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 1 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		
Clinics, offices, labs, under 20,000 sq. ft.	1 space for each 150 sq. ft. of gross floor area	5 percent of vehicle spaces
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”

Section 6. Chapter 36, Article XVI, Division 6, Section 36.48.32, of the Mountain View City Code is hereby amended to read as follows:

“SEC. 36.48.32. - Nondiscretionary conditional use permits.

a. The zoning administrator may approve a nondiscretionary conditional use permit for safe parking uses. A nondiscretionary conditional use permit shall evaluate

the uses based on the standards listed in Sec. 36.28.20 and Sec. 36.32.10 and shall be issued if the zoning administrator determines that the proposed use complies with the standards subject to the findings listed in Sec. 36.48.25.

b. Public noticing for nondiscretionary conditional use permits shall require a mailed public notice to all property owners and tenants within seven hundred fifty (750) feet of the site a minimum of fourteen (14) days prior to the date of zoning administrator's decision on the permit. No public hearing shall be held unless requested in writing by the applicant or other affected person prior to a decision on the permit."

Section 7. Chapter 36, Article XVI, Division 10, Section 36.50.35, of the Mountain View City Code is hereby amended to read as follows:

"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, and also allowing for variations from the standards while protecting the integrity and character of the precise plan area. The PC permit provides for a comprehensive analysis of project-related impacts and careful public review of such developments while allowing for creativity and flexibility provided that the proposals are consistent with community objectives and in substantial compliance with the applicable precise plan."

Section 8. Chapter 36, Article XVI, Division 10, Section 36.50.40, of the Mountain View City Code is hereby amended to read as follows:

"SEC. 36.50.40. - Applicability.

a. A planned community permit shall be required within a planned community district prior to:

1. Any new development or redevelopment; or
2. Establishment of any use listed as "provisional" within the applicable precise plan; or

3. 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.”

Section 9. Chapter 36, Article XVI, Division 10, Section 36.50.55, of the Mountain View City Code is hereby amended to read as follows:

“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; or if variations from requirements in the applicable precise plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the intent of the requirements in the applicable precise plan;

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).”

Section 10. Chapter 36, Article XVII, Division 2, Section 36.60.09, of the Mountain View City Code is hereby amended to read as follows:

“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.

Cannabis. All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis mderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means cannabis as defined by Business and Professions Code Sec. 26001, Subdivision f, Health and Safety Code Sec. 11018, and by other state law.

Cannabis business. The activity of any natural or legal person, business or collective in the city relating to cannabis, including, but not limited to, transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (including both wholesale and retail sales) of cannabis, cannabis products, or any accessories for the use of cannabis or cannabis products, whether or not carried on for gain or profit, whether for medical or recreational use, and whether or not such business is licensed by the state. A cannabis business does not include any business the only relationship of which to cannabis or cannabis products is the production or sale of cannabis accessories.

Cannabis business, delivery. The transfer for any form of compensation of cannabis or cannabis products to a customer or caregiver at a location that is not a cannabis business.

Cannabis business, nonstorefront retail. A cannabis business that closed to the public and conducts sales exclusively by delivery. Also referred to as “nonstorefront retail” or “nonstorefront retail cannabis business.”

Cannabis business, owner. An owner is any person having more than a ten percent (10%) interest, legal or equitable, or otherwise, in a cannabis business.

Cannabis business, premises. Each building, or the portion of any building, where the cannabis business is located, including any site.

Cannabis business, storefront retail. A cannabis business that is open to the public to sell cannabis and cannabis products directly to customers. The primary use of the storefront retail business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also referred to as “storefront retail” or “storefront retail cannabis business.”

Cannabis business, transport. All activity involved in the movement of cannabis from one (1) location to another, including, but not limited to, loading, shipping and receiving. Transport does not include delivery to a qualified patient, caregiver or individual cannabis user age twenty-one (21) or older.

Cannabis business, qualified cannabis business list. A list of cannabis business applications eligible to submit planning applications at the discretion of the zoning administrator and pursuant to Sec. 36.30.85. Applications are placed on the list in the order chosen by the cannabis business application selection lottery. The list shall be maintained by the zoning administrator and effective until such time as the maximum number of cannabis businesses permitted by Sec. 36.30.55.b. has received occupancy in the application period determined by the zoning administrator.

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 eight (8) 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 eight (8) 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 (contractor's 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.”

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 9th day of June 2020, and thereafter adopted at the Regular Meeting of said Council, duly held on the 23rd day of June 2020, by the following roll call vote:

AYES: Councilmembers Clark, Hicks, Matichak, McAlister, Ramirez, Vice Mayor Kamei, and Mayor Abe-Koga

NOES: None

ABSENT: None

NOT VOTING: None

ATTEST:

APPROVED:

LISA NATUSCH
CITY CLERK

MARGARET ABE-KOGA
MAYOR

Date of Attestation: _____

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 23rd day of June 2020, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 19th day of June 2020, and posted in three prominent places in said City.

City Clerk
City of Mountain View

BW/5/ORD
840-06-09-20o