

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION

STAFF REPORT

WEDNESDAY, OCTOBER 2, 2019

5. PUBLIC HEARINGS

5.1 East Whisman Precise Plan

PURPOSE

The purpose of this meeting is for the Environmental Planning Commission (EPC) to provide a recommendation to the City Council on the proposed East Whisman Precise Plan and related materials included in this Staff Report.

The EPC will provide recommendations on key policy issues of the Precise Plan. This is the final EPC public hearing in this Precise Plan update process, and staff is looking for EPC direction on these issues and a final recommendation from the EPC to the City Council on this project.

RECOMMENDATION

That the EPC adopt:

1. A Resolution Recommending the City Council Certify the East Whisman Precise Plan Final Environmental Impact Report and Adopt the CEQA Findings, Including Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, to be read in title only, further reading waived (Exhibit 1 to the Staff Report);
2. A Resolution Recommending the City Council Approve a General Plan Map and Text Amendment for the East Whisman Mixed-Use Designation, Consistent with the East Whisman Precise Plan, to be read in title only, further reading waived (Exhibit 2 to the Staff Report);
3. A Resolution Recommending the City Council Approve a Zoning Map Amendment for Parcels Located in the East Whisman Precise Plan from ML (Limited Industrial), ML-T (Limited Industrial with Transit Floating), CN (Commercial – Neighborhood), CO (Commercial – Office), R3-2 (Residential – Multiple-Family), and P (Planned Community) to P-41 (East

- Whisman Precise Plan), to be read in title only, further reading waived (Exhibit 3 to the Staff Report);
4. A Resolution Recommending the City Council Adopt the East Whisman Precise Plan, to be read in title only, further reading waived (Exhibit 4 to the Staff Report);
 5. A Resolution Recommending the City Council Approve a Zoning Text Amendment to Remove the Transit (-T) District and Transit-Oriented Development Permit, from Chapter 36 of the City Code, to be read in title only, further reading waived (Exhibit 5 to the Staff Report); and
 6. A Resolution Recommending the City Council Approve Draft Administrative Guidelines for the East Whisman Precise Plan Jobs-Housing Linkage Program, to be read in title only, further reading waived (Exhibit 6 to the Staff Report).

PUBLIC NOTIFICATION

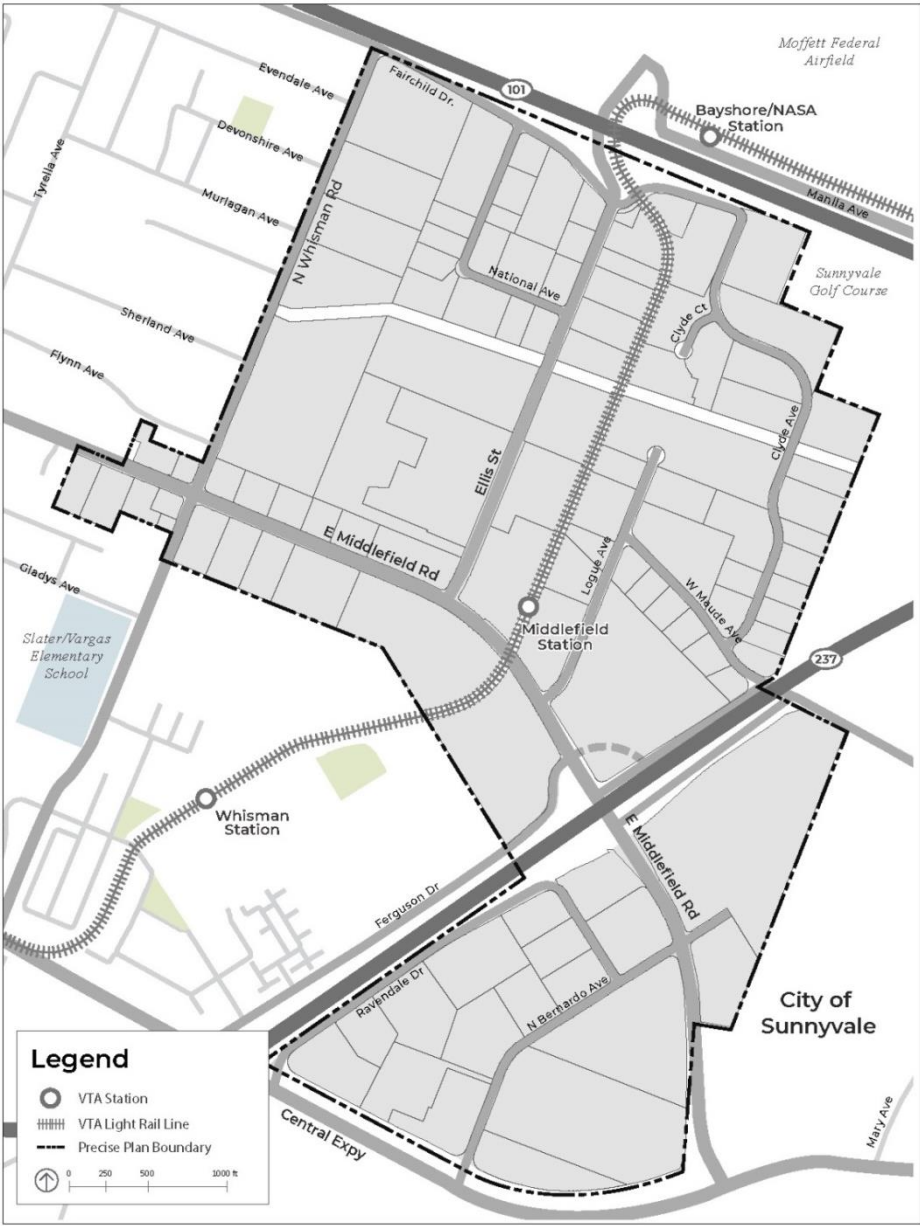
The EPC agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. All property owners and tenants within the Plan area and within a 750' radius of the Plan area (including property owners in the City of Sunnyvale) were notified of this meeting by mailed notice. Other interested stakeholders were notified of this meeting via the project's e-mail notification system, including adjacent neighborhood associations (Wagon Wheel, North Whisman, and Slater). Project and meeting information is posted on the project website: <http://www.mountainview.gov/eastwhisman>.

PROJECT OVERVIEW

The Precise Plan establishes a new vision for the area, including new residential and neighborhood commercial uses, affordable housing, new parks and open space, and new multi-modal transportation improvements (Figure 1). The Plan creates a high-intensity, mixed-use core adjacent to the Middlefield Light Rail Station highlighted by a central open area for public gathering and shopping and dining activity. Development adjacent to Whisman Road will be lower-intensity, transitioning down to the scale of adjacent neighborhoods. Office areas in the north and south will include new campuses with high-quality site design and new public paths. The Plan's vision for the Village Center at Whisman Road and Middlefield Road maintains its neighborhood-serving role, adding a new mix of uses and public gathering areas. Character Area targets include 5,000 new units,

1,000 of which will be affordable, 2 million square feet of office, 100,000 square feet of new neighborhood commercial, and 30 acres of parks and open space.

Figure 1: Map of Precise Plan Area



BACKGROUND

The East Whisman Precise Plan process started in March 2016 and has included two community workshops, many stakeholder meetings, and 16 EPC and City

Council Study Sessions. For an overview of prior workshops and meetings, see Exhibit 7.

The Public Draft of the Precise Plan was released on April 8, 2019. The Draft Environmental Impact Report (DEIR) was released on June 7, 2019. The EPC reviewed the draft Precise Plan on April 17, 2019 and June 19, 2019 (along with the DEIR). Detailed comments from that meeting are provided in Exhibit 8.

The Final Draft Plan and related materials were publicly released on September 20, 2019.

City Council Meeting – June 25, 2019

The City Council discussed the Precise Plan Public Draft in June. City Council directed the following:

- The Plan should reflect the “TDR Bonus Alternative,” which allows up to 0.75 FAR in the South Employment Area only for projects taking part in Citywide Transfers of Development Rights (TDR).
- The EPC should review Bonus FAR projects. In addition, Council requested staff to study thresholds of Base FAR projects that might be reviewed by the EPC and Council.
- Residential Base FAR should not be increased, except in the Village Center, where it should be increased from 0.9 to 1.0.
- Council agreed with staff recommendations on the remaining topics, which included:
 - Vehicle access across light rail tracks and other public street flexibility;
 - Parking structures counted to FAR;
 - Jobs-Housing Linkage Guidelines in a separate document;
 - Character area target revisions;
 - Additional community benefits for public art and public facilities; and
 - New diagrams illustrating active frontage setbacks.

- Council also directed staff to study increasing height near Middlefield Station, bird-safe design revisions, and additional monitoring intersections.

Public Comment Received

Since the last round of EPC and City Council meetings, the City has received letters from multiple agencies and stakeholders within the DEIR public comment period. These letters and staff responses are included in the Final EIR (Exhibit 1). Several letters are narrowly responding to technical analysis in the EIR, while others touch on policy issues. The following are key policy issues from those letters.

- The Mountain View Whisman School District sent a letter recommending revised language to the Local School District Strategy standards. In general, these revisions would provide more certainty to the school districts but may reduce the City's discretion over these projects. In addition, they expressed concern over the potential traffic generated by students.
- Google sent a letter including the following:
 - Request to reduce the Jobs-Housing Linkage requirement from 3.0 units per 1,000 square feet to 2.61 units per 1,000 square feet;
 - Concern that a long-term project trip cap of 0.7 trip per 1,000 square feet is unachievable; and
 - Other comments and questions related to EIR assumptions, groundwater contamination requirements, building heights, and VMT calculations.
- Other letters were received from Albert Jeans, NASA, City of Sunnyvale, Caltrans, and VTA.

Another letter was received from Stephen Finn (Exhibit 9), a property owner at the corner of North Whisman Road and East Middlefield Road. The letter requested flexibility in the Whisman Road Transition Area, an FAR exemption for residential parking, and clarification regarding local workforce and prevailing wage requirements.

Exhibit 9 also includes a more recent letter from Google regarding Master Plans, which is described in greater detail later in the report.

ANALYSIS

Revised Draft Precise Plan

Staff has identified recommended changes to the public draft of the Precise Plan, based on either City Council direction, public comment, or further staff review as discussed below. These changes can be clearly seen in the strike-out version of the Precise Plan in Exhibit 4.

The first three sections below (Jobs-Housing Linkage, Development Review Process, and Master Plans) have specific questions needing EPC and City Council input. The remaining sections provide background on key policy changes to the Plan and request EPC/Council confirmation with a single question.

1. *Jobs-Housing Linkage (Section 6.1.4)*

On August 19, 2019, City staff convened a further meeting with developers regarding the Jobs-Housing Linkage program and other requirements of the Precise Plan. Developer comments included the following:

- *Feasibility* – Concern about the feasibility of the new ratio (3.0 units per 1,000 square feet). It may not be possible for office to bear the full feasibility gap of residential.
- *Timing* – Developers desire a longer timing window since there are limited properties in East Whisman that are negotiating leases at a time.
- *Respect deals* – The City should not have discretion over the deals between developers.
- *Credit marketplace* – Create a marketplace for buying and selling housing credits and demolished office.

Staff considered this input and is recommending the following revisions to the Precise Plan:

- Detailed timing requirements were removed and replaced with references to the Jobs-Housing Linkage Program Administrative

Guidelines in order to add flexibility and opportunities for creative procedures.

- Detailed list of potential strategies were removed to ensure Council has oversight of specific linkage proposals and applicants are not led to believe that certain linkage actions would automatically be approved.
- Additional language was added clarifying that transferred floor area does not count as net new office floor area and is not subject to community benefits or a school strategy requirement. This is intended to reduce the risk to developers of taking part in the floor area transfer process. Net new office floor area (e.g., from the Development Reserve) would still be subject to community benefit and school strategy requirements.

The preliminary draft Jobs-Housing Linkage Program Administrative Guidelines are attached as Exhibit 6. These guidelines include procedures that the City may consider when office developments apply with a jobs-housing linkage plan.

While other procedures are possible in the Guidelines, the recommended procedure is that office and residential development submit applications together. If the office project needs to be significantly delayed relative to the residential development, the applicant would need to negotiate a development agreement. If the residential project needs to be significantly delayed relative to the office project, the City may consider it if the applicant can create an enforceable legal instrument that requires the existing office/industrial uses to be removed and residential to be built within a certain time.

In addition, the Guidelines provide additional flexibility for how long a residential development may hold onto its rights to allocate its transferred floor area and its rights to partner with an office developer. An office developer must submit a complete formal application within five years of the residential project's first building permit.

The draft guidelines include other direction, such as dedication of land for affordable housing, prepayment of impact fees, and other procedures.

LASD TDR Projects

At the May 7, 2019 City Council Study Session, the Council exempted LASD TDR projects from the Jobs-Housing Linkage Strategy, subject to the requirement that they comply as a group. As submitted, the LASD TDR projects comply with the Jobs-Housing Linkage ratio as a group, except the Vanni project at 291 to 339 North Bernardo Avenue. Based on this City Council direction, a Jobs-Housing Linkage credit is not available from the two housing projects (355 to 415 East Middlefield Road and 400 Logue Avenue) since their credit is being used by the other office projects. Upon entitlement, office projects will not be required to wait for construction of the residential projects. Upon approval of all LASD TDR projects except the 291 to 339 North Bernardo Avenue project, the City will determine the amount of office that may be constructed there without additional residential development or partnerships.

Question 1: Does the EPC support the draft Jobs-Housing Linkage Program Guidelines (Exhibit 6)?

2. *Development Review Process (Section 6.2)*

Based on City Council direction, draft Plan revisions list the EPC as the recommending body for Bonus FAR projects. In addition, the City Council requested analysis of a Base FAR projects threshold that triggers review by the EPC and City Council.

Currently, only a few major areas in Mountain View require City Council review of Base FAR projects (Downtown, Evelyn Avenue Corridor, and Grant Park Plaza). However, these areas do not have clear thresholds for “small” and “large” projects as Council approval authority is generally for all new buildings in these areas.

Exhibit 11 includes a list of large office buildings built in the East Whisman and North Bayshore areas over the last several decades. All the buildings in Exhibit 11 are larger than 70,000 square feet. Smaller, new office buildings tend to be in the 15,000 square foot to 20,000 square foot range. Therefore, the Draft Precise Plan sets the Council and EPC review threshold at 70,000 square feet. However, the EPC and City Council could adopt a different threshold based on the list in Exhibit 11.

Question 2: Does the EPC support the recommended 70,000 square foot threshold for EPC and Council review of new Base FAR buildings?

Alternative: The EPC may recommend a different threshold based on the list in Exhibit 11.

3. ***Master Plan Rights (Section 6.3.2)***

Master Plan applications include the broad mix of uses proposed, infrastructure, phasing, and public improvements. They do not include the detail of development applications; they do not confer specific development rights; and they do not have expiration dates. Instead, they are intended to show how multiple-property or multiple-phased projects are implemented and integrated. Master Plan applications and entitlement applications may be reviewed concurrently. Master Plans may also include a phasing program that includes subsequent entitlement application and approval timelines.

Two areas are required to prepare Master Plans under the Precise Plan, including one to help implement a neighborhood park near Logue and Maude Avenues. This Master Plan area is currently owned by Google, who has already prepared preliminary development concepts.

Google has identified a concern with the Draft Precise Plan language regarding Master Plans (Exhibit 9). Section 6.3.2 states that Master Plans do not confer rights to office square footage in the Development Reserve. This means that Master Plan applications and all buildings within the Master Plan would need to be submitted concurrently. In addition, the applicant would need a Development Agreement if they intended to build a project after more than two to four years (depending on extensions), which is the maximum standard approval period for entitlements.

Google has requested modifications to this language to allow Master Plans rights to the Development Reserve, as long as they implement the project timing consistent with an approved phasing plan. This language is not reflected in the Revised Draft attached to this report.

Staff is requesting EPC direction and input on this issue, and draft revised language is included in Exhibit 4 and below. If the EPC does not recommend the requested change, they would need to modify their action to remove it from the Resolution in Exhibit 4.

The proposed revised language regarding this issue is below:

7. Master Plan and Development Reserve. Development Reserve office square footage may be allocated by the City Council through the Master Plan approval process. The Master Plan shall identify phasing, including the timing of project application, approval, and construction and shall specify completion of key components including, but not limited to, housing, public improvements, neighborhood commercial or public open space. Applicants will have two years from the approval of a Master Plan to submit a complete application for projects under the Master Plan. If this timeline is not met, the Development Reserve office square footage allocated in the Master Plan shall return to the City's Development Reserve. For approved projects under the Master Plan, longer timelines than specified in the Zoning Ordinance shall require a Development Agreement.

The following are policy considerations regarding this issue:

- Revising the language would enable large and complex projects to proceed with more certainty because Master Plans would confer some rights to office Development Reserve floor area.
- With the revised language, the City Council would have control over project phasing and Development Reserve requirements at the time of Master Plan approval.
- Large and complex projects would be more likely to complete full implementation of the Master Plan, including key community benefits and public improvements.
- More applications for Master Plans may be submitted because property owners may be conferred rights to the Development Reserve over a longer time through this mechanism.
- Small projects may be at a disadvantage, since more Development Reserve may be allocated to large projects for a longer period of time.

Question 3: Does the EPC support the recommended revised Master Plan language?

Alternatives: Do not modify existing language.

EPC Confirmation

Staff is seeking EPC and Council confirmation of the following Precise Plan changes.

1. *Character Area Targets (Chapter 2)*

Office Targets

Developers have expressed concern that the character area targets are too rigid and would be interpreted too much like a standard. To address this concern, additional language has been added to the Character Area Strategy to clarify that individual developments may not be required to comply with each specific target, but the City may request project changes or certain community benefits if targets are not broadly being met.

Also, the office character area targets were revised to accommodate additional growth in the Mixed-Use area near the light rail station to create greater flexibility as shown in Table 1 below.

Table 1: Office Character Area Targets

Character Area	Draft (net new sq.ft.)	Revised (net new sq.ft.)
Mixed-Use	250,000 to 500,000	600,000 to 1.2 million
Employment North	600,000 to 1 million	300,000 to 900,000
Employment South	800,000 to 1.35 million	600,000 to 1 million

The new targets are recommended due to the following reasons:

- The project team has conducted further analysis and has determined that there are adequate developable parcels in the Mixed-Use Character Area to accommodate the proposed 5,000 units and up to 1.2 million net new square feet office.
- The targets were revised to be consistent with the TDR Bonus Alternative, which allows a total of 2 million net new square feet of Bonus Floor Area. The amount of floor area allowed in the South Employment Area is smaller than what the Draft Plan included.

- Larger ranges were created to provide more flexibility for future development while ensuring vibrancy near the Middlefield Station, as well as opportunities for growth in the other areas.

Residential Targets

The residential character area targets were revised to provide additional flexibility while clarifying expectations for new development. In the Character Area Targets, a range of units are now identified in the Village Center (50 to 200 units) and Mixed-Use (4,800 to 5,000 units) areas. The Village Center is envisioned for fewer units based on its smaller size and lower allowed intensity.

The unit types targets (i.e., number of bedrooms) were moved from the Character Area Strategy to the Affordable Housing Strategy, which was renamed “Diverse Housing,” so the unit types goal would not be limited to the Mixed-Use Character Area only.

The revised unit types targets are shown below in Table 2, expressed as ranges that were informed by the original targets. When the original targets were developed, the City Council was interested in promoting larger units. However, the development community has expressed concern that those unit sizes are not consistent with apartment demand (which is expected to make up approximately half the new East Whisman Precise Plan area development). While condominium projects may be 60 percent or more two-plus bedroom units, apartment projects are usually only 20 percent to 30 percent two-plus bedrooms. The range in Table 2 below reflects that mix while requiring more large units than have been provided in other high density projects in the City.

Table 2: Revised Unit Mix

Unit Type	Draft	Revised
Micro/Studio	10 percent	10 percent to 20 percent
1 Bedroom	30 percent	20 percent to 40 percent
2 Bedroom	40 percent	40 percent to 60 percent
3+ Bedroom	20 percent	

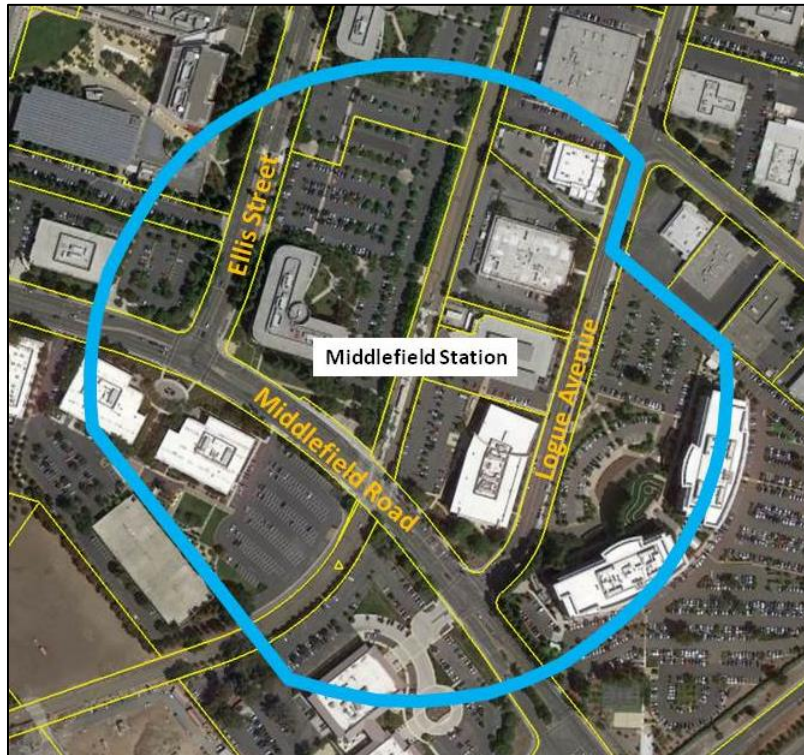
2. *Height Exceptions Near Middlefield Station (Section 3.3.1)*

At the June 25, 2019 City Council meeting, Council asked staff to study potential changes that could allow additional building heights consistent with the Precise Plan's goals, such as orienting growth near the Middlefield Station and maintaining neighborhood transitions. Based on this direction, the following height exception was added.

New Height Exception: Projects within 750' of the Middlefield Station, except within 200' of the Precise Plan boundary (Figure 2), may be allowed up to 135' with the following additional requirements:

- *CLUP* – Consistency with the Moffett Field Comprehensive Land Use Plan (CLUP), which may further limit heights in certain parts of this area;
- *Neighborhood Commercial* – Buildings must include ground-floor neighborhood commercial;
- *Open Areas* – Projects must include high-quality open areas;
- *Height Variety* – A variety of building heights must be provided;
- *Separation* – Tall buildings must be separated by 100'; and
- *Facade Width* – Facades may not exceed 190' in width.

Figure 2: Height Exception Area



These standards set the expectations for building heights and massing so they do not overwhelm public spaces or affect adjacent neighborhoods while allowing additional flexibility and incentives to create a range of public spaces near the Middlefield Station.

3. *Neighborhood Commercial Near Middlefield Station (Section 3.7.3)*

On May 7, 2019, Council requested information about grocery store demand and development and requested additional neighborhood commercial uses be required near the Middlefield Station (especially grocery stores).

The City's economic consultant also provided the following findings regarding grocery store demand:

- There is adequate demand, especially at build-out, for a grocery store. However, additional costs to construct a store, site constraints, and other issues will complicate integrating a store into a mixed-use development.

- Grocery stores will need nearby, visible, and adequate parking. While this may be a challenge for some smaller developments, larger developments may be able to fit the grocery store parking along with private resident or office parking.

Based on these findings and Council direction, specifically that a vibrant and “critical mass” mix of neighborhood commercial uses should be created near the station, the following Precise Plan changes are proposed:

- *Increase Requirement at Station*—Increase minimum neighborhood commercial requirement near the station from 1,500 square feet to 5,000 square feet.
- *Height Exception Requirement*—Require neighborhood commercial uses for the height exception near the station, as described in the previous section.
- *Additional Required Depth*—Require additional depth for neighborhood commercial spaces, from 40’ to 55’, which is needed to attract a range of commercial uses, including small grocery stores.

Consistent with the previous draft of the Precise Plan, the City will track neighborhood commercial development in the area. This information will help inform opportunities for where new commercial uses, including grocery stores, could be located as demand for commercial uses is generated.

4. *Office TDM Requirements (Section 3.9.1)*

Google’s letter in response to the EIR (Exhibit 1) expressed concern about the feasibility of the ultimate trip rate goal. Other developers have also expressed this concern. After further staff analysis, the Precise Plan was revised to provide more flexibility for implementation of the trip cap while maintaining the overall aggressive trip cap goal.

The previous goal was 0.7 a.m. trip per 1,000 square feet for all new development. The new goal, consistent with the Draft EIR analysis and the TDR Bonus Alternative, is an *average* of 0.95 a.m. trip and 0.88 p.m. trip, including new development and older, existing (“legacy”) office, R&D, and industrial development. This new strategy results in the same number of trips generated by the district, but creates the following flexibility:

- Developers can allocate their trip caps between new and legacy development, creating an incentive for additional buildings to control their trips with TDM programs.
- The City can require more or less aggressive trip caps from new development over time based on an analysis of legacy development and the remaining trip capacity of the district.

While this change adds flexibility in implementation, it also adds complexity in calculating a specific project’s trip requirement. To provide that calculation, staff will prepare an Office Trip Cap Phasing and Administrative Guidelines to help staff and developers implement this requirement. This document will include the following:

- How to calculate specific projects’ trip caps based on the areawide average;
- How to apply TDM programs to other sites;
- How monitoring of congestion may affect trip-cap requirements; and
- How early flexibility in trip cap requirements may be phased out (i.e., based on the construction of housing which will improve the efficacy of TDM programs).

Since the Precise Plan is a policy document, some details of the office TDM program were removed from the draft and will be included in the administrative document.

5. *Open Area Standards*

Developer letters and other public comment expressed concern regarding the Precise Plan’s open area standards. Developers recommended that the Precise Plan count interior common (e.g., fitness) rooms, public paths, and

smaller spaces towards “common usable open area.” This proposal was based on the potential of these spaces to fulfill specific recreational activities (such as walking a dog). Staff does not recommend these changes because the intention of the standard is to maximize the size of open area spaces so residents can engage in *a range* of active and passive recreational activities. If the developer recommendations were followed, then new development would include smaller open areas that would not have as much utility for future residents.

However, staff is recommending changes to the open area standards for the high-intensity, mixed-use area. This is based on recent analysis that, at the highest densities, the amount of required open area would be unrealistic for high-density developments and may create a disincentive for achieving that higher density. For example, at 150 units per acre (the highest densities expected within a 3.5 FAR development), the common usable open area requirement in the Public Draft Plan would result in approximately 35 percent to 52 percent of lot area (depending on whether private open area is provided). This is not a feasible amount of open area for development at those densities, especially considering the space needs for circulation and other site constraints. To provide some context, Table 3 below includes two examples of recent, feasible open area percentages for developments at approximately 40 to 110 units per acre.

Table 3: Example Development Open Areas

Address	Units	Lot Size	Common Usable Open Area*	Percent
1255 Pear Avenue	635	656,000	158,000	24
400 San Antonio Road	583	229,000	48,000	21

* As defined by the East Whisman Precise Plan.

To address this issue, staff proposes the following changes:

- Lower the minimum common usable and private open area standard in the high-intensity, mixed-use area to a rate consistent with the North Bayshore Precise Plan and roughly equal to 30 percent of lot area for the highest densities, as shown in Table 4 (see Section 3.4—Mixed-Use Character Area).

Table 4: Proposed Open Area Standards

	Previous Standard	New Standard
Common Usable Open Area Minimum	100 square feet per unit	80 square feet per unit
Total Private and Common Usable Open Area Minimum	150 square feet per unit	120 square feet per unit

- Allow flexibility for residential and commercial mixed-use projects to combine the required common usable open areas, subject to compatibility (such as adjacency, hours, and users’ needs), accessibility, and other considerations (see Section 3.3.3—General Open Area Standards).
- Allow greater flexibility for emergency access areas and wider public paths to count to common usable open areas, if they have a range of open area amenities (see Section 3.3.3—General Open Area Standards).
- A new open area standard for hotels based on the number of rooms, instead of providing open area based the amount of their structure parking (See Sections 3.4 and 3.5—Mixed-Use and Employment Area Character Areas).

Question 4: Does the EPC support the recommended revisions regarding Character Area targets, height exceptions, neighborhood commercial, office TDM, and open area?

Other Changes

Exhibit 10 includes summaries and references to minor Precise Plan changes and changes based on clear City Council direction.

In addition, staff may identify other minor text changes (typos, word order, internal references, and other nonpolicy language) after approval but prior to final publishing of the Precise Plan.

Question 5: Does the EPC have any additional comments or recommended changes to the draft Precise Plan?

General Plan Update

The Precise Plan requires General Plan amendments, which are attached to the Report (Exhibit 2). The proposed General Plan amendments reflect policy direction established through the Precise Plan process, including outreach, and EPC and City Council direction.

General Plan Text Amendment: These amendments create a new East Whisman Mixed-Use Designation, and update the Change Area policies consistent with the Plan. The East Whisman Mixed-Use Designation is similar to the North Bayshore Mixed-Use Designation, reflecting the specific heights and FARs proposed for the area.

General Plan Map Amendment: This amendment modifies the 2030 General Plan Land Use Map to apply the East Whisman Mixed-Use Land Use Designation to the Mixed-Use Character Area and the Village Center.

Zoning Text Amendment

The East Whisman Precise Plan would replace the existing zoning for the area. The zoning for this area includes the -T (Transit) floating zone, which allows higher-intensity office (up to 0.5 or 0.65 FAR) near light rail stations. It also intends to implement land use, circulation, and urban design policies, encouraging rail, bicycle, and pedestrian travel in these areas. The new Precise Plan will implement these same objectives but with different strategies and at higher intensities. In addition, the Transit-Oriented Development Permit is only applied within that zone. Staff is recommending removing these sections of the Zoning Code since they are no longer needed (Exhibit 5).

Final Environmental Impact Report

An Environmental Impact Report (EIR) was prepared to conform with the California Environmental Quality Act (CEQA), CEQA Guidelines (California Code of Regulations 15000, *et seq.*). The EIR evaluates the potential environmental impacts that might reasonably be anticipated to result from implementation of the Precise Plan. The Draft EIR was prepared for the City by David J. Powers, Inc., and is available at www.mountainview.gov.

1. *Notice of Preparation*

In 2017, the City circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. A scoping meeting on the Draft EIR was held on September 7, 2017. Comments received by the City on the NOP and at the scoping meeting were taken into account during the preparation of the Draft EIR.

2. *Draft EIR – Summary*

The Draft EIR (Exhibit 12) was made available for public review on June 7, 2019 and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and hard copies were available for public review at the City of Mountain View Community Development Department and the Mountain View Library. The CEQA-mandated 45-day public comment period was from June 7, 2019 to July 22, 2019.

3. *Final EIR*

Copies of all responses to comments and EIR text revisions (which together with the Draft EIR comprise the Final EIR) were made available to the public on September 20, 2019 in the Mountain View Community Development Department, the City's website, and the Mountain View Public Library. The City received eight written letters with comments on the Draft EIR. A response to all the comments is included in the Final EIR, which is attached to this report.

4. *Significant Unavoidable Impacts and Additional Plan Strategies*

Key Plan Strategies

Although the project results in significant unavoidable impacts, it should be noted that the Precise Plan includes a strong policy framework of the following strategies that seek to help lessen new development's impact on the environment:

- *Mix of uses*—A new mix of diverse uses, including residential and supportive retail services, will add a complementary set of uses to the predominant office uses in the area. This will result in more new area for residents and employees biking or walking to destinations in the area, thereby reducing their need for private autos for some of their daily trips.
- *Parking requirements*—The Plan imposes an average maximum parking requirement of one to two spaces per unit. This standard will help reduce the number of residential vehicles in the area and, therefore, reduce overall trips in the area. The Plan also requires unbundled parking—separately pricing residential parking spaces from rent of an apartment unit—to support residents who do not wish to own a private car in East Whisman.
- *Multi-modal transportation improvements*—The Plan includes significant new multi-modal transportation improvements, including new pedestrian and bicycle connections within East Whisman and to adjacent neighborhoods.
- *Transportation performance monitoring*—The City will continue to monitor and enforce trip counts at office developments and will begin monitoring trips from new residential developments as well.

Two significant unavoidable impacts were identified in addition to roadway operation deficiencies (which cannot be considered impacts under SB 743). All other impacts of the project would be mitigated to less-than-significant levels with incorporation of the Precise Plan standards and guidelines, applicable project-level mitigation measures, and General Plan policies and actions identified in this EIR.

Vehicle Miles Travelled Impact

As discussed in the June 25, 2019 City Council Study Session (Exhibit 13), the DEIR identifies a significant impact to project-generated VMT, based on an ad-hoc threshold of 15 percent below Citywide or Countywide average VMT. This is a significant, unavoidable impact. However, the East Whisman Precise Plan is a reduction in VMT from existing uses, many of which will remain as “legacy” development within the district. While significant measures to reduce vehicle trips are included in the Precise Plan, the land use changes and TDM levels necessary to reduce the impact to less-than-significant levels are not feasible.

Transit Delay Impact

The Precise Plan will result in delay at intersections used by buses, which is a significant impact. Since many of these intersections are located outside the City and the City cannot solely guarantee its implementation, this impact is designated as significant and unavoidable.

Intersection and Freeway Deficiencies

As discussed in the June 25, 2019 City Council Study Session (Exhibit 13), the DEIR identifies roadway deficiencies at four City intersections (that cannot be addressed without street widening) and seven regional intersections. In addition, deficiencies at up to 80 regional freeway segments were also identified.

Statement of Overriding Considerations

The significant and unavoidable impacts require the adoption of a Statement of Overriding Considerations by the City Council at the time the Final EIR is certified. A Statement of Overriding Considerations demonstrates that the benefits of a project outweigh the significant unavoidable impacts. The following key benefits of the project have been included in the attached “Statement of Overriding Considerations” with additional details in Exhibit 1.

- Includes significant new land use strategies in the area such as “character area targets” that blend a mix of uses with multi-modal transportation options for new residents and employees. These strategies will allow area residents and employees to make local trips in

the area by walking and biking. This will help reduce the area's vehicle miles travelled per capita and use of private automobiles, thereby helping achieve longer-range goals to lessen air pollution, traffic impacts, and greenhouse gas emissions;

- Improves the area's and City's job-housing balance by allowing up to 5,000 new units in East Whisman and a jobs-housing linkage program, ensuring they will be provided prior to new office development;
- Provides a strategy to increase the amount of affordable housing in the area; and
- Sets requirements for new public parks and open spaces, providing valuable passive and active recreation amenities for nearby residents.

CONCLUSION

Staff recommends that the EPC recommend approval of the East Whisman Precise Plan and associated actions. The EPC's recommendation will be forwarded to the City Council for their final decision, tentatively scheduled for November 5, 2019.

Staff is also seeking EPC direction on the following questions:

1. Does the EPC support the Draft Jobs-Housing Linkage Program Guidelines (Exhibit 6)?
2. Does the EPC support the recommended 70,000 square foot threshold for EPC and Council review of new Base FAR buildings?
3. Does the EPC support the recommended revised Master Plan language?
4. Does the EPC support the recommended revisions regarding Character Area targets, height exceptions, neighborhood commercial, office TDM, and open area?
5. Does the EPC have any additional comments or recommended changes to the draft Precise Plan?

ALTERNATIVES

1. Recommend modifications to the Final Draft Precise Plan and any proposed policy language within this report.
2. Find that the proposed benefits of the project do not outweigh the impacts and recommend findings for denial of the EIR.

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EA-MA/6/CDD
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- Exhibits:
1. Resolution – EIR, Findings, MMRP
 2. Resolution – General Plan Amendment
 3. Resolution – Zoning Map Amendment
 4. Resolution – East Whisman Precise Plan
 5. Resolution – Zoning Amendment Removing T Zone
 6. Resolution – Jobs-Housing Linkage Program Guidelines
 7. Summary of Prior Meetings
 8. Detailed EPC and B/PAC Comments
 9. Public Comment
 10. Other Precise Plan Changes
 11. Recent Office Buildings
 12. Draft EIR
 13. [June 25, 2019 City Council Staff Report](#)