

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2019

A RESOLUTION APPROVING A PRIVATE OPEN SPACE CREDIT FOR 50 PERCENT  
OF THE VALUE OF THE 66,662 SQUARE FEET OF LAND WITHIN THE  
DEVELOPMENT AT 777 WEST MIDDLEFIELD ROAD

WHEREAS, an application was received from FortBay LLC for a 716-unit residential development project at 777 West Middlefield Road ("Project") with a request for a private open space credit for 50 percent of the value of the 66,662 square feet of land within the Project, as shown in Exhibit A, attached hereto; and

WHEREAS, the City Council held a public hearing on May 21, 2019 on said applications and received and considered all evidence presented at said hearing, including the resolutions and project materials from the Environmental Planning Commission and City Council report and materials;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that the request for a credit for the proposed 66,662 square feet of private open space is conditionally approved based upon the following findings pursuant to Section 41.11 of the City Code:

1. The yards, court areas, setbacks, decorative landscape areas required with residential site design, and other open areas required to be maintained by Zoning Ordinance and regulations are not to be included in the computation of the proposed private open space;

2. The proposed private open space is devoted to active recreational uses and would be wholly owned and maintained by the future residents of the development. The private ownership and maintenance of the open space would be restricted for said use by recorded written agreement, conveyance, or restrictions subject to the review and approval of the City Attorney;

3. The proposed private open space is reasonably adapted for use for recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location, and the developer proposes and agrees to design and construct the necessary recreational and park facilities and improvements associated with the private open space prior to the issuance of an occupancy certificate for the project;

4. The proposed open space is in substantial compliance with the provisions of the Open Space Section of the Environmental Chapter of the General Plan;

5. The proposed open space contains at least four (4) of the required seven (7) elements, including, but not limited to, a turfed play field; landscaped, park-like area and butterfly garden; family picnic area; and a swimming pool;

6. The combined acreage of the proposed open space is 1.5 acre and is a single, contiguous unit of land; and

7. The shape and location of the proposed private open space provides the greatest utility possible to the greatest number of residents of the development for which credit is sought.

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DP/6/RESO  
807-05-21-19r-4

Exhibit: A. Park Land Dedication In-Lieu Fee Credit Request

**Fortbay, LLC**

100 Wilshire Blvd., Suite 650

Santa Monica, CA 90401

April 8, 2019

Diana Pancholi  
Senior Planner  
City of Mountain View  
500 Castro St.  
Mountain View, CA 94039

RE: 777 W. Middlefield Rd. - Park Land Dedication Credit Request and Exemption from Park Land Dedication Fee for Moderate Income Households (100% -120% AMI)

Dear Ms. Pancholi:

Fortbay Mountain View, LLC, (FBMV) is seeking entitlements for a 716-unit multi-family residential project with associated underground parking, amenities and open space (Project). FBMV is formally submitting a request for the following:

- Pursuant to Section 41.11(a) of the Zoning Code, a fifty percent (50%) credit of the value of the land for the Park Land Dedication Fee that will be both publicly accessible and private open space (Attachment 1);
- Pursuant to Section 41.11(c) of the Zoning Code, an exemption for the Project's Moderate Income households (120% AMI) from the Park Land Dedication Fee calculation.

The following provides justification for these two formal requests.

### **1. Park Land Dedication Credit Request**

The open space and park area for which we are requesting a credit is an approximately 2.0 acres (Open Space and Bike Path Areas) includes a Linear Park, a large Gathering Common Turf Play Field, and a Class 1 Bike Path (See Attachment 1). In accordance with Section 41.11 of the Zoning Ordinance, the Project meets the following standards:

- a. Turf Play Field: Play park area with open lawn, stage for small festivals,
- b. Landscaped, park like quiet area: Native park/passage with native plants and butterfly garden

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- c. Family gathering spaces.
- d. Paseo with walking paths, bike parking, fitness zone, amphitheater seating for gatherings
- e. Wayfaring signage to direct people to both the Linear Park and Bike Path
- f. Swimming Pools an amenity for the residents of the project (Non PAE)
- g. Bike Path connecting the Linear Park that connects both Middlefield Road and Shoreline Blvd.
- h. 1.63 acres includes the Linear Park and the Bike Path that will be privately constructed, owned and maintained by FBMV and will be permanently dedicated by way of a Public Access Easement (PAE) as publicly accessible open space during normal City park and bike path operating hours.

We ask that the City grant this request for the approximately 2.0 Acres outlined in Attachment 1 and make the necessary findings that the fee credit is in the public interest, given the Project's generous dedication of publicly accessible open space.

## **2. Exemption from Park Land Dedication Fee Calculation for Moderate Income Households (100% -120% AMI).**

At the October 23, 2018 City Council Study Session, the City Council supported the concept of Teacher Housing and recognized the need and demand for affordable housing for teachers/employees for the Mountain View Whisman School District (the Missing Middle). As you know, the Project provides 144 affordable units, 36 units for low income households (50% to 80% AMI) and 108 units for moderate income households (80% to 120% AMI).

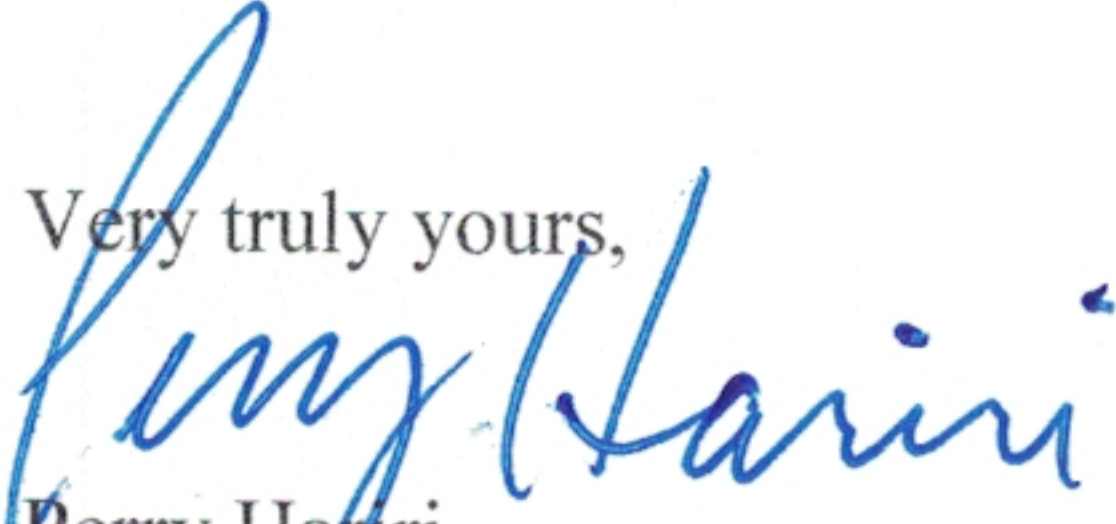
The Parkland Dedication Fee ordinance exempts affordable housing units from the total unit count for the park fee calculation. However, the Zoning Ordinance only defines affordability for low and moderate income households whose gross income is between 50% to 100% AMI (Section 36.40.05). FBMV is seeking an exception to this definition to include the Project's moderate income households between 100% to 120% AMI in order to qualify for the exemption.

If this exemption is not granted, the Project would have to absorb approximately \$6-\$7 million in costs, which would render construction of the affordable housing units financially infeasible. Given the City's need for accommodating the Missing Middle, we believe the inclusion of the Project's moderate income units in the affordable exemption is justified as a matter of sound public policy.

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Thank you in advance for considering both of these requests and please contact me should you have any questions.

Very truly yours,



Perry Hariri

Fortbay Mountain View, LLC

Encl: Attachment 1 – 777 W. Middlefield Park Credit Exhibit