

City Council Questions

April 13, 2021 Council Meeting

ITEM 3.1 R3 (Multiple-Family Residential) Zoning District Update

1. When will Council next have an opportunity to discuss the anti-displacement measures and potential replacement requirements?

The anti-displacement policies are tentatively scheduled for City Council in Q1 2022. The R3 team has been coordinating closely with Housing staff on how any anti-displacement policies will integrate with any new R3 standards.

2. Do P(8) and P(31) not reference R3 standards at all? Aren't these developments largely consistent with R3 standards?

Please see below response to Question 3.

3. Do P(30), P(35), and P(37) also not reference R3 standards? Aren't these also similar to R3 developments?

Some of the Precise Plans noted above reference the R3 district standards and densities. Others do not.

The R3 project is proposing to only update those Precise Plans development standards that specifically reference R3 standards. The R3 team will be proposing an appropriate R3 subzone for these Precise Plans that take into account the existing Precise Plan context and surrounding development.

Where multi-family standards do not make a specific reference to R3 development standards, those areas are not proposed to be included in the R3 update because these areas will require a lot more analysis, which has not been built into the scope of this project.

4. Can this update serve as an opportunity to retire old precise plans and planned community zones, where the development standards reference R3 standards?

The project scope is only focused on R3 properties and creating new R3 standards. However, existing Precise Plans that reference R3 standards will be targeted for updates to reflect new R3 standards that most closely align with the development goals and objectives within these older Precise Plans. Replacing or retiring older Precise Plans would require additional budget and time to include additional outreach and analysis.

5. Does staff have a preliminary sense of how mixed-use elements (e.g. ground-floor retail) could be incorporated into the R3 subzones?

Staff will be recommending an approach that allows non-residential retail and neighborhood-serving uses in some areas of each sub-zone. Criteria could include placing such uses at intersections of arterials and major roadways.

6. Will staff or the consultant be providing financial feasibility analysis for the R3 update and the anti-displacement work?

The October 13, 2020 City Council staff report attachments provides this information for the preliminary assessment on the basis of 17 lot testing scenarios. The current scope does not identify a second financial feasibility analysis but if desired, the remaining scope could be redirected to provide a second financial feasibility analysis. We recommend using that available scope to assess the financial feasibility of projects once there is more direction to the team on replacement housing goals/levels.

7. What is the R3 parcel near the intersection of 237 and 85, near Yuba Dr? Can something actually be built there?

The property is City owned, and is approximately .52 acres. It is used as part of the Stevens Creek Trail. A potential rezoning of this parcel can be considered in the future, as it doesn't appear this parcel will be used for residential purposed moving forward.

8. Are there any consequences of not meeting RHNA? If so, what are they?

If cities do not meet their RHNA obligations, they could potentially lose State funding or lose the ability to apply for State grants. They may also be required to carry over their existing RHNA to the new Housing Element cycle, or be required to update their Housing Element on a four-year cycle instead of the eight-year cycle. In extreme cases HCD could refer any non-compliance to the Attorney General's office which could result in legal action/financial penalties.

9. In Figure 1, if the state density bonus law allows for 50% more units, couldn't all of the number of stories double? For example, a 2.5 story R3-A development go to 5 stories? And a 3.5 story R3-B development go to 7 stories? And the same for R3-C and R3-D? If not, why not?

State Density Bonus would be applied over the base zoning. The analysis of base vs. bonus was initially based on the max. 35% density bonus that was allowed before state laws were revised to allow 50% density bonus.

It is difficult to anticipate how a developer may choose to apply density bonus waivers because State law allows them to choose which standards they would like waived. Staff therefore recommends that we create a base and a bonus to incentivize replacement units instead. The base would need to allow at least as much as the current General Plan and zoning densities allow per State law. Based on Council's review of displacement response strategies and replacement requirements, the base and bonus zoning can be tailored (where possible) to provide greater incentives than State density bonus allows. This approach has been used in the North Bayshore and East Whisman Precise Plans.

However, staff would like to note that the bonus heights show the outer boundary of what is economically feasible to get built on sites based on standard requirements and construction types and does not recommend increasing heights beyond those that have been provided.

10. Why would all of the areas that are not near a major transit stop be considered for R3-C and R3-D zoning?

The current recommended sub-zones reflect two key considerations: a) the size of existing parcels and their ability to accommodate not just more intensity but the size/footprint of the building(s) needed to accommodate increased intensity, and b) the existing adjacent development is typically much lower in intensity and size (e.g., 1 to 2-story houses). In addition, there are existing 1 or 2-story height

maximums prescribed by the R3 Height Overlay that further inform our recommendations on the sub-zone intensities.

The EPC also recommended another review to see if densities could be increased near transit. Based on Council direction, staff can conduct additional analysis on this to see if there are situations where the recommended sub-zone can be increased and the pros and cons of doing so.

11. Are townhouse and rowhouse considered to be the same type of building in this report?

Yes, but with new recommendations for standards for form-based zoning.

12. Is there information on the dates the overlay zones went into effect? And is there information as to the reason why the overlays came about?

Staff is researching the history behind these overlay zones, and will share this info with Council at a later date.

13. Are the building types listed for each subzone enforceable, meaning only those building types can be built?

Yes, given the fact that there are few sites that can accommodate larger building types and meet development standards, the current recommendation is to restrict development to those larger building types on those larger sites. However, the development standards can also include reduction of heights where those sites are adjacent to lower density development. A form-based zoning format is very conducive to this approach. The City already restricts certain building types in Precise Plans. As an example, the North Bayshore Precise Plan does not allow single-family or rowhouse building types.

14. Have other cities made changes such as those being contemplated by Mountain View? How have they worked out?

Many other cities within Californian and the US have amended their zoning ordinances and/or created Specific Plans/Master Plan to incorporate form-based codes and/or additional density.

15. How many additional units do you estimate that the proposed new R3 Zoning could yield? How much of that could be counted for the next RHNA cycle?

Our initial high level analysis indicated that the new R3 zoning standards could result in up to 12,000 new units. However, further rough analysis has indicated that this number could be reduced by roughly 25%. The City may choose to include these in the list of sites as we prepare our 2023-2031 Housing Element if any are needed to achieve our RHNA allocation. For the annual progress reporting (APR) required by the State Department of Housing and Community Development (HCD), the progress depends on how many building and/or occupancy permits are issued by the City on an annual basis. Therefore, progress on the Housing Element (APR) depends on the developers' schedule.

16. Where are other potential locations where we could locate housing to meet our next RHNA requirements? What is that requirement expected to be at this point?

To meet our RHNA requirements, new housing in North Bayshore and East Whisman will be considered, along with R3 areas as needed. The HCD reviews the sites and their inclusion in the Housing Element will depend on their determination of whether a site could be considered to reasonably develop within the Housing Element cycle (2023-2031). The Housing Element may also consider other areas during our site selection analysis if necessary. Staff proposes to bring a list of potential sites to EPC and Council for discussion and direction during the Housing Element process.

17. What is the difference between R3-D and R4?

The overall intent of both of these areas is to allow mid-rise/stacked flats. The draft R3-D standards include a 6-story height maximum (8 stories with bonus). R4 allows up to 52 feet (wall heights) which would roughly equal about 5 stories. R4 also requires a minimum site size of at least an acre and has several additional restrictions, including proximity to R1 zones. R4 also allows up to 80 units/per acre, while the draft R3-D standards would likely have a density over 100 units/acre. Staff acknowledges that subsequent to the R3 ordinance update, the standards for R4 properties may need to be reviewed and reconciled with the new R3 ordinance. An option could include rezoning R4 sites within the new R3 categories.

18. Can you show drawings of the housing types mentioned for each subzone?

- i. R3-A: Stacked duplex, Cottage Court, Pocket Neighborhood, Fourplex, Neighborhood Townhouse
- ii. R3-B: Neighborhood Courtyard, Neighborhood Townhouse, Multiplex
- iii. R3-C: Core Townhouse, Core Courtyard, Multiplex
- iv. R3-D: Core Courtyard, Midrise

Please see the “Examples of Building Types” provided at the end of this document.

ITEM 4.3 Street Reconstruction Project (Park Drive, Park Court, and Sonia Way), Project 19-48-Appropriate and Transfer Funds, Approve Plans and Specifications, and Authorize Bidding

1. “These three streets were last resurfaced in 1979 and 1986” (p1). Can staff share the criteria used to determine which streets are resurfaced? Is there any way we can prevent streets from being neglected for this amount of time again?

Candidate streets are selected for treatment based on their pavement condition. The City's goal is to maintain a Citywide Network Pavement Condition Index (PCI) of 75 or greater, which is rated as Good. The most cost-effective way to maintain a Good pavement condition is to avoid deferred maintenance and invest in preventative maintenance and pavement preservation. It is a balancing act for allocating the limited available funding to preventive maintenance/pavement preservation so more streets do not fall into poor condition and the expensive costs to rehabilitate or reconstruct streets that have already fallen into poor condition.

Using State gas tax funds, SB 1 funds, VTA Measure B funds, and some CIP unrestricted funds, the City budgets \$1.5 - \$1.7 million per year in the Street Resurfacing and Slurry Seal Program for preventative maintenance and \$1.0 - \$1.5 million per year in the Street Reconstruction Program. However, the City has a current backlog of \$37.9 million in deferred street improvements including some streets that have not had a treatment in 20+ years. The City will be reducing this backlog, based on available budget, over the next 10 to 15 years. Staff will continue to review streets recommended for treatment closely to avoid new streets falling into poor conditions.

2. What percentage of households participated in the survey? Can staff provide a copy of the survey that was sent out?

Staff sent the survey to the property owners and tenants who live on these three streets. There are 121 tenants and 49 owners. We received 46 votes, so the percentage of households that participated in the survey was 27%. Attached are a copy of the letter and postcard survey that was sent out.

ITEM 4.5 Resolutions Temporarily Suspending Certain Requirements for Sidewalk Café License Renewals Pursuant to Mountain View City Code Section 36.42 and Waiving Sidewalk Café License Renewal Fee Payments Payable May 1, 2020 through April 30, 2022 to Facilitate a Consistent Outdoor Dining Program in the Downtown Area and Extending the Castro Street Closure

1. We should be considering this as a pilot project for the permanent conversion of Castro Street to a pedestrian mall. Are there any other components to the existing program that should be added to serve this pilot project process? Are we going to add any plants or shade components this summer?

We do consider the current street closure to be a pilot program and are using lessons learned, including feedback from users and businesses, to help inform the Castro Street Pedestrian Mall/Plaza Feasibility Study (CIP 20-58). It is expected that long term conditions related to traffic, parking, and economic activity will differ from the last year with the COVID-19 restrictions. Therefore, in addition to studying various concepts for the 100 block such as realigning Castro Street along Centennial Plaza, partial or full closure of Castro Street, and shared street strategies, the Feasibility Study is evaluating a street closure under more normal traffic and economic conditions.

Staff does not have plans to add additional plants or shade components as part of the current Castro StrEATS program. The street and sidewalks are already very full of the restaurants’ dining furniture, planters, tents, and table umbrellas. It is important to make sure enough clear space is provided for the pedestrians under these conditions. However, should a decision be made for a more permanent closure after the businesses can return to normal operations indoors, different street furnishings and configuration than the current program would be considered and may include more permanent furnishings (such as additional plants or shade components) that improve the pedestrian experience.

ITEM 4.6 Authorization of Two Midyear Capital Improvement Program Projects-525 East Evelyn Park and 1720 Villa Park

1. Can staff provide the total funds available based on Planning Area in the ‘Park Land Dedication Fund Commitment’ attachment? What is the fund balance now, and can this information be provided ongoing in future park CIP items?

The park at 525 E Evelyn Ave is in the Sylvan-Dale Planning Area. This Planning Area currently has \$16,729,000 in uncommitted fees. The park at 1720 Villa St is in the Central Planning Area, which currently has \$5,851,560 in uncommitted fees. Staff will add a column for “Uncommitted Fees in Area” to the Park Land Dedication Fund Commitment attachment for future Park CIP funding agenda items.

ITEM 4.7 Annual Water and Sewer Main Replacements, Projects 19-21 and 19-22, and Miramonte Avenue Water Main Replacement, Project 21-21-Authorize Design Services

1. Approximately how old are the lines being replaced? Is this standard- have they held up better or worse than originally expected? Any lessons learned?

The useful life of a pipe varies by its construction material and other external factors. On average, cast iron pipe (CIP) has a useful life of 50 years, PVC (polyvinylchloride plastic pipe) has a useful life of 80 years, and vitrified clay pipe (VCP) has a useful life of 100 years. For the pipe segments identified for this capital project, the pipeline data are presented in the table below.

Material Type/Useful Life	Location	Install Year	Age
CIP/50 years	Thaddeus & Emmons – Water	1953	68
	Whitney, Whitney Ct, Parker Ct – Water	1953*	68
	Alison & Begen – Water	1955	66
	Miramonte – Water	1962	59
PVC/80 years	Alison (4-inch) – Water	1953*	68
VCP/100 years	Castro Street – Sewer	1945	76
	El Camino Real - Sewer	1948 to 1962	59-73

The selection of these pipe segments for this project, however, is not solely based on age. For the water main replacements, the segments being replaced are in an area with a history of water main breaks (operations records) or where the pipe segments are undersized (4-inch is no longer standard for water mains in the City). For the sewer main replacements, the segments being replaced are in poor condition, as noted from recent visual inspection (CCTV) of these mains. Additionally, the upcoming Miramonte Ave Paving Project and Caltran’s El Camino Real paving project are prompting preemptive work on these segments ahead of the road work to avoid digging trenches on newly paved streets.

Historically, staff has focused the annual replacement projects on areas with the most problems or are undersized for current standards. Breaks occurring frequently in an area could be due to a variety of factors such as: the batch of pipe materials installed, corrosion, soil conditions, groundwater, ground movement, etc. Much of the City’s utilities were constructed in the 50’s and 60’s, and so their replacement time is here or approaching and needs to be planned. Staff are currently working on the Water and Sewer System Master Plans that will help plan the upcoming needs of the systems.

ITEM 4.8 Lot 12 – Appropriation of Predevelopment Funding

1. The October 13, 2020 staff report indicated that “staff anticipates returning to Council regarding terms and authorization to enter the DDA and ground lease early in the first quarter of 2021.” This staff report says that “...a New Business item in fall 2022 for Council to approve the DDA and design and to authorize the developer to submit a formal planning entitlement application to begin the project approval process.” What happened that caused this substantial delay?

Staff are working on the response and will send as soon as possible.

ITEM 4.13 Live Nation Lease Amendment and LifeMoves Parking License Agreement

1. Why was Life Moves looking for RV storage for HomeKey residents? Isn’t the point of HomeKey to help people find stable housing and not live in an RV?

Options are needed for prospective residents if the RV is being used for commuting and for residents who own RVs, but are not able to sell or otherwise dispose of their RV immediately and need a place to store it in the interim.

2. How many parking spaces are at the HomeKey site on Leghorn?

On-site there are 19 parking spaces that include a charging station, shuttle stop and handicap space. LifeMoves will balance the onsite and off-site parking to meet the needs of residents and staff while also encouraging alternative transportation.

The proposed parking plan is not required under AB 83 (2020), which establishes statutory exemptions from certain requirements for the State granted Homekey projects to provide housing for those who are impacted by the COVID-19 pandemic and experiencing homelessness or at risk of homelessness. While not required, LifeMoves is going above and beyond to serve clients and the neighborhood by providing the proposed parking plan.

ITEM 6.1 Minor General Plan, Precise Plan, and Zoning Amendments

1. Can staff provide a list of other parcels that have zoning inconsistent with the General Plan LUD? Will the City be realigning these parcels as well? For instance:
 - a. A portion of the property at the terminus of Central Ave, adjacent to the Stevens Creek Trail, that has Public Facility (PF) zoning, but Medium Low-Density Residential LUD;
 - b. A parcel on Washington St (adjacent to CSA) zoned R2, but with a Mixed-Use Corridor LUD;
 - c. The parcels at the intersection of Old Middlefield Way and Rengstorff Ave, which are zoned Commercial-Service (CS) but have a General Mixed-Use LUD, which allows residential;
 - d. A parcel at the terminus of Yuba Dr, adjacent to SR85, zoned R3-1, but with a Regional Park LUD;
 - e. The strip mall on Moffett Blvd (adjacent to the mobile home park), which is zoned Commercial-Neighborhood (CN) but has a Mixed-Use Corridor LUD;
 - f. The properties around Lotus Lane, Granada Dr, Canna Ct, and Poppy Place, which are zoned R1 but have a Medium-Density Residential LUD;
 - g. The remaining remnant parcel on Moorpark Way on the other side of the onramp to 237, which also has an Agriculture zoning but Medium Low-Density Residential LUD.

Staff are working on the response and will send as soon as possible.

2. The staff report says, “While there are other new parks under development in the City, Wyandotte Park is the only site that does not allow residential uses.” What does this mean? How do other parks allow residential uses?

Staff are working on the response and will send as soon as possible.

ITEM 6.2 Introduce an Ordinance Prohibiting Possession of Firearms on City Property

1. The staff report says, “The proposed ordinance provides specificity and clarity to ensure that the prohibition applies to all City properties used for public purposes...” Would it apply to city parks?

The City Code already provides for such a prohibition. Section 38.9 prohibits possessing, discharging or shooting any firearm in City parks.

2. Could we apply it to streets and sidewalks? What about public schools and public preschools?

Yes, Council could, in the future, extend the firearms prohibition to include streets and sidewalks. However, tonight’s item was agendized for the limited scope of regulation of firearms on City property. Regulation of streets and sidewalks goes beyond the scope of the proposed ordinance. If Council is interested in expanding firearms regulations, this would need to be evaluated and brought back for consideration at a future meeting. Additionally, the Penal Code already prohibits possession of certain

categories of firearms on public streets and sidewalks. Penal Code section 25850 prohibits carrying a loaded firearm on public streets and sidewalks. Penal Code section 26350 prohibits carrying an exposed, unloaded handgun on public streets and sidewalks. The Penal Code does not cover unloaded long guns or unloaded, concealed handguns.

With regard to schools, the Penal Code already includes the California's Gun-Free School Zone Act. This statute prohibits a person from possessing or discharging a firearm in a school zone. An area is considered a school zone if it is within 1,000 feet of public or private school grounds.

ITEM 6.3 1255 Pear Avenue

1. On page 4 of the staff report in the summary of the amended Condition No. 190, it states that phase 1 of the residential component must be completed and phase 2 of the residential component started. What happens if phase 1 of the residential component is not completed and phase 2 of the residential component is not started?

The proposed modification to Condition #190 ties occupancy of the office building to completion of Phase I of the residential component of the project, if occupancy of the office building occurs prior to completion of the off-ramp realignment AND the trip-cap is exceeded after two consecutive monitoring events.

However, the project is designed so that both the Phase I office and residential units are linked. The parking for both buildings is included within the parking structure for the residential building. The residential building in Phase 1 will 'ring' the parking structure on the South parcels and is fully integrated into the parking structure design.

As discussed on page 8 of the Council report, the Phase 2 language of the modified Condition #190 is proposed for removal.

2. What was the original timeline for phase 1 and phase 2 of the entire project?

The developer had originally estimated that each phase would take approximately 24 months from start of construction to first occupancy and would follow each other in quick succession. However, as Phase 2 has been delayed.

3. On page 7 of the staff report it says that the applicant will be required to seek council approval to amend the project to include a new plan and design for the north area. Where is this requirement in the conditions?

A revision to Phase 2 for a new site plan and building design for the north area would be considered a substantial amendment to the original Planned Community Permit. Per the requirements in Zoning Ordinance, any substantial amendment to a Planned Community Permit approved by the City Council (which was required for this project), would require review by the Zoning Administrator and recommendation to Council.

4. Is there anything that forces phase 1 of the residential (220 units) to be built?

There is no condition that forces Phase 1 of the residential units to be built. However, the design of the buildings ensures that it will get built.

Per Condition #190, if the trip cap is not exceeded after two monitoring events AND the off-ramp realignment project is complete, then the office building may receive occupancy without requiring completion of the Phase residential.

As noted earlier, both the office and residential buildings in Phase I (South parcels) are linked through the parking and the design of the residential is integrated into the parking structure. As noted in the staff report, Phase 2 has been postponed.

5. On page 9 of the staff report, can you please clarify the sentence about the park land dedication in the fiscal impact section? Is the 75% credit equal to \$30 million? Is the city receiving any park land in-lieu fees, and if so, how much? What is the dollar amount of the credit?

The project requires a park land dedication fee of \$38,100,000. A 75% credit for the 1.03 acre of publicly accessible private open space was previously granted by the City Council. This reduced the park land dedication fee to \$30,384,750. So, the credit is approximately \$7.7 million.

**EXAMPLES OF BUILDING TYPES RECOMMENDED FOR THE R3 ZONING UPDATE –
RESPONSE TO ITEM 3.1 Question 18**





R3-A: Cottage Court




17




R3-A: Pocket Neighborhood





18

 **R3-A: Four Plex**



19

 **R3-B: Neighborhood Courtyard**



23



R3-A + R3-B: Neighborhood Townhouse



22



R3-B + R3-C: Multiplex



26



R3-C: Core Townhouse



27



R3-C + R3-D: Core Courtyard



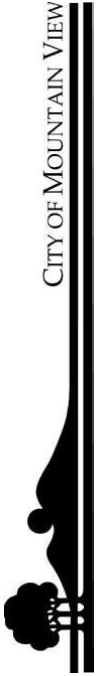
30



R3-D: Mid-Rise



31



CURB RECONSTRUCTION SURVEY

Park Drive, Park Court, and Sonia Way Reconstruction

Name (required): _____

Property Owner Tenant

Address (required): _____

I support the following:

(Select Yes or No for each item.)

ITEM

Replace existing curb with new rolled curb

Replace existing curb with new vertical curb

Yes

No

Please respond by May 20, 2019.

Comments: _____



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No

Please respond by May 20, 2019.

Comments: _____



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Comments: _____



CURB RECONSTRUCTION SURVEY

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Yes

No

Please respond by May 20, 2019.

Comments: _____