



COUNCIL REPORT

DATE: May 10, 2022
CATEGORY: Public Hearing
DEPT.: Community Development
TITLE: **Residential Development Project at
555 West Middlefield Road**

RECOMMENDATION

1. Consider the Addendum to the 555 West Middlefield Road Final Environmental Impact Report, together with the EIR (certified by Resolution No. 18643), in accordance with the California Environmental Quality Act (Attachments 1 and 2 to the Council report).
2. Adopt a Resolution of the City Council of the City of Mountain View Approving a General Plan Amendment to Add a New High-Low Density Residential Land Use Designation and Making Related Text Amendments and an Amendment to the General Plan Land Use Map for the Property Located at 555 West Middlefield Road from Medium-Density Residential to High-Low Density Residential, to be read in title only, further reading waived (Attachment 3 to the Council report).
3. Adopt a Resolution of the City Council of the City of Mountain View Approving a Planned Community Permit and Development Review Permit to Allow a 323-Unit Addition to an Existing 402-Unit Residential Development with Three New Subterranean Garages, New Amenity Building/Leasing Office, and New 1.34-Acre Public Park; and a Heritage Tree Removal Permit to Remove 51 Heritage Trees at 555 West Middlefield Road, to be read in title only, further reading waived (Attachment 4 to the Council report).
4. Adopt a Resolution of the City Council of the City of Mountain View Approving a Vesting Tentative Map to Create Three Lots with Up to 111 Condominium Units at 555 West Middlefield Road, to be read in title only, further reading waived (Attachment 5 to the Council report).

BACKGROUND

City Council Public Hearing

The City Council considered the proposed project and Environmental Planning Commission recommendation at a Public Hearing on February 8, 2022. Previous background, comprehensive

project analysis, and Environmental Planning Commission recommendation for the project are included in the previous Council report (see Attachment 7—[Council Report, February 8, 2022](#)).

Sixty-nine (69) members of the public spoke at the meeting regarding the following issues. Staff comments are provided in italics.

- Support for the project for its positive contribution to the City's housing needs and additional affordable housing units.
- Concern about the tree removals—*A discussion of this issue and the revised plans are provided in the Council report.*
- Concern about the air quality impacts—*As staff noted at the hearing in February, the City adheres to Bay Area Air Quality Management District (BAAQMD) thresholds, regulations, and guidance in analyzing air quality impacts, which are based on conservative assumptions. This part of the Bay Area is a nonattainment area, which means that ambient levels of particulate matter and ozone exceed State and Federal standards for ozone and particulate matter. The air quality analysis showed that the project's operations would not have significant impacts on the environment. However, it showed that the project construction would have impacts related to one category—PM 2.5 particulate matter—even with all the mitigation measures implemented. The impact is predominantly due to dust during construction and would most affect three existing buildings on the project site which are closest to the construction, based on BAAQMD-directed analysis. The project is conditioned to implement all the construction-related best management practices (BMPs) required by BAAQMD but the EIR determined that the measures would not reduce impacts to less than significant levels. The Council considered this information in the EIR and, after the public hearing, certified the EIR in accordance with CEQA and adopted related CEQA findings. In addition, due to the public input provided at the meeting and information provided by BAAQMD post-EIR-certification, the applicant has agreed to implement additional measures to further reduce project construction dust and exhaust emissions. These conditions are discussed later in this report.*
- Labor groups representing local trade unions requested that the City impose certain labor standards for project construction, including local hire, apprenticeship, and health-care requirements—*The City does not have the ability to impose these labor standards on private construction projects and certainly not as a condition imposed ad hoc on a single pending project. To consider them for the future would require substantial staff effort to review the policy and legal implications.*

After hearing public input, Council adopted a resolution certifying the project Environmental Impact Report and making required findings under CEQA, and continued the project to the May 10, 2022 Council meeting, with direction to the applicant to explore a potential reduction in the

parking to save more Heritage trees (in particular the group, including redwood Tree Nos. 178 to 180, which received the most comments from the public) and direction to staff to bring back a revised multi-modal transportation analysis reflecting the reduced parking. The majority of Council did not wish to see a reduction in the number of residential units.

ANALYSIS

The discussion and analysis in this report are focused on Council direction from the February 8, 2022 hearing and proposed project revisions which address these requests.

Project Revisions

The applicant has revised the project further to address Council comments. Specific changes include the following:

- Reduced footprint and reconfigured the parking ramp of Block A parking garage;
- Reconfigured the parking layout in Block C parking garage;
- Revised landscape plans to preserve seven additional existing trees; and
- Voluntary offers to existing tenants.

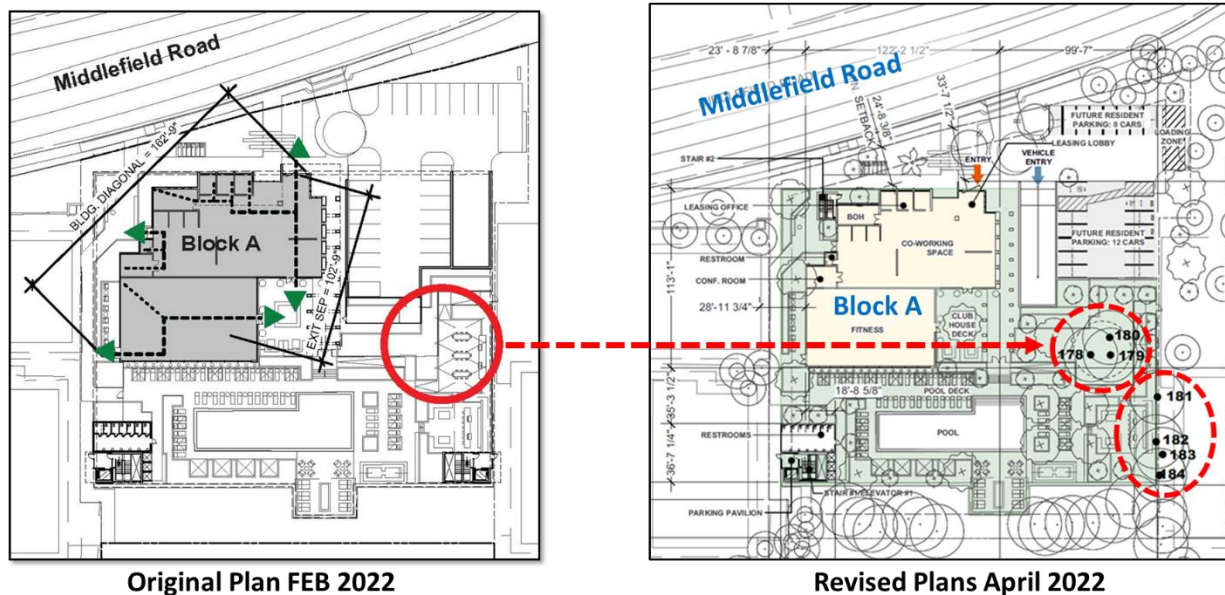


Figure 1: Revised Block A Site Layout

Preservation of Heritage Trees

At the February 8, 2022 meeting, the City Council direction focused around preservation of a grove of three redwood trees (Nos. 178 to 180).

The proposed revisions to Block A targets preservation of these trees through a reconfigured ramp to the Block A parking garage and a reduction to the parking garage, which removes 67 parking spaces.

As a result of the revisions to the Block A parking garage, the applicant was able to retain seven trees, including six Heritage trees (Nos. 178 to 182, which are redwoods, and No. 183—an olive tree), as well as a non-Heritage olive tree, No. 184 (see Attachment 8—Project Revisions Description).

The applicant reviewed preserving additional trees between State Route 85 and the Block C building. However, since this would result in a reduction to a significant number of units in Block C, the applicant has stated that it would make the project infeasible and is not proposing any revisions to this area.

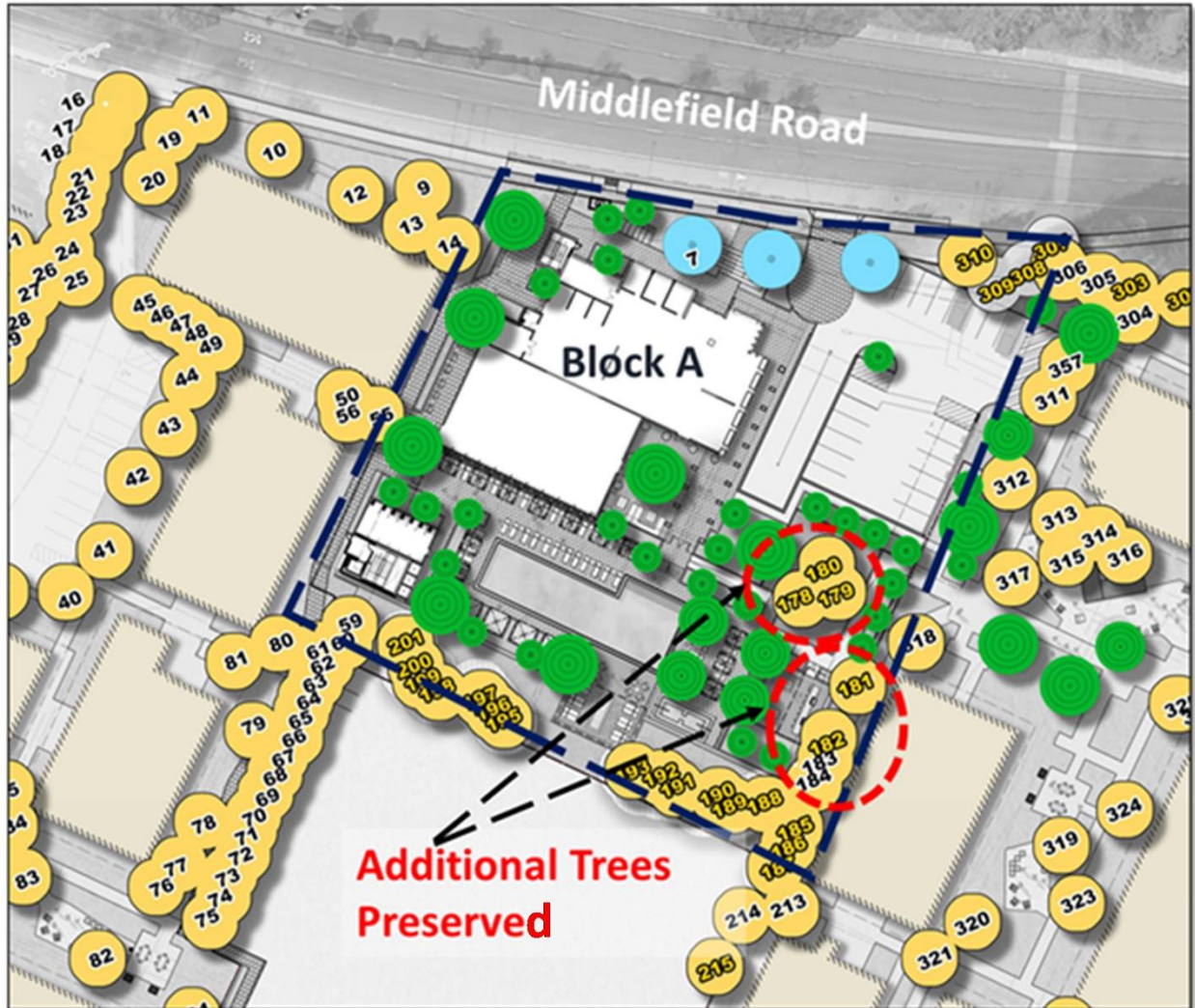


Figure 2: Revised Tree Preservation Plan

Voluntary Offers

The applicant has proposed four voluntary offers to address issues raised by tenants at the City Council meeting on February 8, 2022 (See Attachment 4, Exhibit A—Condition of Approval No. 65 for details). These include:

1. Offer to relocate a defined group of tenants (those with medical conditions, elderly, and with children) to a comparable apartment at another property owned by the applicant in the local area for the remainder of the term of the subject lease, and to maintain all terms of the tenant's existing lease at the alternate location.

2. Offer to waive resident lease termination fees for residents who moved in prior to construction start date and want to move out.
3. Offer to conduct an audit of all windows in the existing residential buildings on-site, and make repairs, as needed, to ensure that the windows are fully operational.
4. Offer tenants a temporary rent reduction during the construction period through a Voluntary Agreement (as outlined in Section E of Chapter 7 of the CSFRA Regulations) and a one-time rent credit up to \$350 to purchase MERV-13 or higher rated air filters in an amount sufficient to allow each tenant household to purchase a high-quality air filter.

Parking Analysis

The original project proposed to utilize the City's Model Parking Standard (MPS) by providing 970 new parking spaces consistent with the MPS (see Attachment 7—[Council Report, February 8, 2022](#)).

As noted in the earlier discussion, the Block A garage was reduced in size to save seven Heritage trees. This removed 67 parking spaces in the Block A garage. However, the Block C parking garage was reconfigured, without a change to its size, to add 23 spaces. Due to these revisions, the parking reduction amounts to 44 parking spaces as compared to the project reviewed at the February 8, 2022 Council meeting.

The proposed reduction of 44 spaces results in a total of 926 parking spaces for the entire project. A parking study prepared by Hexagon Transportation Consultants evaluated the revised parking for the project by comparing the current parking demand of the site as well as with similar projects in the area. The study found that the parking demand ranged from 0.87 space to 1.14 spaces per unit, with an average parking demand ratio of 1.00 space per unit. For this project, the demand would, therefore, range from 632 spaces to 827 spaces with an average parking demand of 726 spaces. The consultant, therefore, estimates the parking demand at the site at 725 parking spaces and concludes that the 926 spaces provided by the revised project are sufficient (see Attachment 9—Parking Study). Staff, therefore, recommends the revised parking count based on this analysis.

ADDITIONAL COMMUNITY INPUT

Following the February 08, 2022 City Council meeting, staff received several residents' suggestions and input related to possible project revisions. The concerns are itemized below along with staff comments *in italics*.

- Save more Heritage trees and reduce parking—*Staff notes that, as discussed above, the applicant has considered all the viable options to address specific Council direction.*
- Revisions to dust-control measures and concerns about impacts to neighboring properties—*As noted earlier in the report, the applicant is already required to comply with all best management practices required by BAAQMD regarding dust control. BAAQMD best management practices are incorporated as standard conditions or mitigation measures for construction projects throughout the City and Bay Area, as they are for this project, and represent the best measures recommended by the regulatory agency with expertise in air quality in the Bay Area. After the EIR was certified for this project on February 8, 2022, BAAQMD staff contacted City staff requesting that the City consider additional measures to further reduce the potential for dust and particulate emissions that could be generated by construction activities on the project site. Staff have considered the additional measures and, in consultation with the applicant, have determined that some could be feasibly implemented. Although the City is not required to adopt the additional measures, the applicant has voluntarily agreed to implement them and staff are recommending they be incorporated as conditions of project approval (see Attachment 4, Exhibit A, Condition of Approval #74 and #75).*
- Concern regarding asbestos removal in the existing buildings—*The asbestos removal work is related to removal of the “popcorn” ceiling in the hallways of existing buildings and not related to the development application before Council. The applicant has obtained the required permits from BAAQMD and the work is being carried out by licensed contractors. The applicant has obtained building permits for other minor lighting fixture replacement, etc., which will be inspected by the City.*
- Concern about noticing to tenants regarding improvements in existing buildings—*Staff met with the applicant, AvalonBay, to discuss issues concerning communication with residents, status of ongoing construction work, tenant arrangements offered during construction, and next steps. As a follow-up, AvalonBay has identified a single point of contact at the complex for questions and comments and sent out additional notification to existing residents notifying them of the existing work and future scheduled work. In addition, tenants are being notified about asbestos work beginning as soon as the applicant is informed by the BAAQMD-certified work crew (which is a week before work begins).*
- Health concerns related to work in existing buildings—*The work being done in the existing buildings is being carried out under the supervision of BAAQMD, which has required protocols to ensure health and safety. However, to address concerns from tenants, the applicant has offered alternate arrangements, such as a conference room for the day, a stay in a vacant apartment, or a hotel to tenants for the day of asbestos work when tenants are asked to leave their apartment.*

ENVIRONMENTAL REVIEW

In accordance with CEQA, a Draft EIR was published in June 2021, and a Final EIR, including responses to comments on the Draft EIR, was published in October 2021. At the February 8, 2022 meeting, the City Council certified the Final Project EIR and adopted the required CEQA findings (Resolution No. 18643).

An Addendum to the 555 West Middlefield Road Certified Final Environmental Impact Report was prepared to evaluate the revised project and concluded that the revisions would not result in any new significant environmental effects or substantially more severe impacts than those identified in the 555 West Middlefield Road Certified Final Environmental Impact Report. A project-specific transportation technical study was also prepared to provide an update to the Multi-Modal Transportation Analysis (MTA) prepared for the original project.

Additionally, while the new conditions further reduce the potential for dust and particulate emissions that could be generated by construction activities on the project site, they do not undermine any of the EIR's conclusions, and the EIR is adequate as certified. Only minor changes have been made to the proposed project, which are appropriately considered in the addendum, as this new information does not change any of the significance conclusions of the EIR for the worse or support a finding that new or different significant impacts would result. Therefore, the addendum prepared for the City to consider and analyze the minor changes to the project is the appropriate level of subsequent environmental review for the modified project.

FISCAL IMPACT

The proposed project revisions would not change the fiscal impact identified for the original project.

CONCLUSION

Staff recommends that the Council consider the Addendum to the EIR and approve the revised project and the associated Tentative Map for the reasons listed below.

- The EIR was certified by Council on February 8, 2022 and an addendum prepared to evaluate the project revisions concluded that the revisions would not result in any new significant environmental effects or substantially more severe impacts than those identified in the 555 West Middlefield Road Certified Final Environmental Impact Report. Therefore, the certified EIR continues to be adequate to support approval of the project and the addendum appropriately considers the minor project changes directed by the Council at its prior hearing on the project.

- The proposed project achieves General Plan goals to increase housing; does not displace existing residents; provides a mix of ownership and rental housing types, which addresses a Council goal to increase housing ownership opportunities for middle-income people; and complies with applicable development standards based on the proposed General Plan Amendments.
- The site design and architectural design of the residential buildings, including the colors, materials, and architectural elements, are well-designed and compatible with the surrounding neighborhood.
- The proposed subdivision is consistent with the General Plan Land Use Designation of High-Low Density Residential, including all the requirements applicable to the property and the Subdivision Map Act.
- The project revisions address Council direction by preserving seven additional trees (six Heritage and one non-Heritage) with a focus on the grouping, including redwood Trees Nos. 178 to 180. Additionally, the parking study concludes that reduction of 44 parking spaces to save the trees will result in a total of 926 spaces and will be adequate to serve the project.
- The applicant has offered several voluntary benefits and measures to further address specific concerns of existing tenants and neighbors as outlined in the staff report.

ALTERNATIVES

1. Approve the project with modified conditions of approval.
2. Refer the project back to the EPC and/or the DRC for additional consideration.
3. Approve the original Project Request (presented at the February 8, 2022 City Council meeting).
4. Deny the project.

PUBLIC NOTICING

The City Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. All property owners and tenants within a 750' radius and interested stakeholders were notified of this meeting. The meeting was also announced on the City's [555 West Middlefield Road Residential Project](#) webpage.

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- Attachments:
1. Addendum to the 555 West Middlefield Road Certified Final Environmental Impact Report
 2. [Final Environmental Impact Report Certified as per Resolution No. 18643](#)
 3. Resolution for the General Plan Land Use Map and General Plan Text Amendments
 4. Resolution for the Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit
 5. Resolution for the Vesting Tentative Map
 6. Revised Project Plans
 7. [City Council Public Hearing Report, February 8, 2022](#)
 8. Project Revisions Description
 9. Parking Study