



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

500 Castro Street, P.O. Box 7540
Mountain View, CA 94039-7540
650-903-6306 | MountainView.gov

November 15, 2023

Airport Land Use Commission
County of Santa Clara
Department of Planning & Development
70 West Hedding Street, East Wing, 7th Floor
San Jose, CA 95110

**Re: November 15, 2023 ALUC Hearing
Item 4: City of Mountain View Zoning Ordinance Amendments to Comply with State
Laws and Other Minor Amendments**

Dear Commissioners:

The City of Mountain View appreciates the role and responsibility of the Airport Land Use Commission (ALUC) within the Mountain View community and we strongly believe the Commission can and should find the City's proposed Zoning Ordinance amendments are consistent with the Moffett Federal Airfield Comprehensive Land Use Plan (CLUP).

The staff recommendation in the posted staff report concludes that the proposed amendments are inconsistent with the Moffett Federal Airfield CLUP based on perceived impacts to height, densities and open space in turning safety zones, noise impacts exceeding adopted guidelines, and the need for aviation easements within the Airport Influence Area (AIA). In reviewing the conclusions which lead to staff's recommendations, we would like to take the opportunity to correct information that may have been overlooked, missing, or misunderstood regarding the City's proposed zoning amendments, in the staff report. We appreciate the opportunity to provide additional information and context regarding issues raised in the staff report and believe that this will help the ALUC make the determination that the proposed amendments are consistent with the CLUP, without inclusion of additional zoning ordinance text changes recommended by staff.

HEIGHT

The staff report indicates that the Zoning Ordinance amendments do not address building heights and, therefore, must be in conflict with the CLUP Part 77 Surface height limits. *This is an inaccurate conclusion.*

The new residential land uses, such as low-barrier navigation centers and employee housing, are required to follow the height limits of current zoning districts already in place within the City's Zoning Ordinance. In fact, no changes are proposed to increase any height limits as part of these amendments. The only reference to height limits in the amendments are those added as part of

the accessory dwelling unit (ADU) regulations on pages 11 and 12 of the proposed amendments, which actually introduce lower height limits than the maximum already allowed under the City's code today. While the amendments include a clarification that 2-story ADUs are now allowed (as required by State law), no change was made or needed to the City's current height limits to accommodate this.

Additionally, as we intended to indicate in our submission letter for ALUC review dated September 22, 2023 and enclosed in the staff report, the lowest mean sea level point nearest the Moffett Airfield impacted by the residential land use changes is a height of 50 feet. And, accounting for our existing maximum height of an ADU of 28 feet, the proposed amendments (which do not increase or change height limits) are well within those existing height limits. We apologize if this was not clear in our letter.

Since no changes would be made to height limits as part of these proposed Zoning Ordinance amendments, the City of Mountain View respectfully requests the Commission to find the amendments consistent with the policies contained in the Moffett Federal Airfield CLUP.

SAFETY ZONES

The staff report indicates that since the Zoning Ordinance amendments apply citywide that it may impact parcels within the CLUP's safety zones and thus all new development must comply with density limits and open space area requirements per the CLUP – even though County Staff acknowledged none of the residential land use changes proposed (including ADU regulations) are within the safety zones. Additionally, the staff report references the East Whisman Precise Plan, a zoning area nearest the Moffett Airfield, as an example of an area that may be impacted. *This conclusion is based on inaccurate assumptions and is incorrect.*

The City's Zoning Ordinance, Chapter 36 within the Mountain View City Code, specifically applies to zoning districts listed within the Ordinance. Separately, the City has adopted a series of Precise Plans, which establish zoning standards that apply to specific neighborhoods or properties within the City that have unique context, character, or physical conditions. Precise Plans set forth the zoning standards specific to the Precise Plan's geographic boundary and, while a Precise Plan may refer to the City's Zoning Ordinance for certain regulations, the Precise Plan is the primary regulatory document for zoning in the Precise Plan area. Therefore, the example of the East Whisman Precise Plan mentioned in the staff report is not applicable. Additionally, the City is not proposing amendments to any Precise Plans as part of these zoning code amendments.

Since these zoning code amendments do not propose to amend any Precise Plans and the new residential land uses apply to properties outside of the safety zones, as acknowledged by County staff, the City of Mountain View respectfully requests the Commission to find the amendments consistent with the policies contained in the Moffett Federal Airfield CLUP.

NOISE

In line with the conclusions regarding safety zones, the staff report indicates that since the Zoning Ordinance amendments apply citywide that it may impact parcels within the CLUP's CNEL boundary and thus all new development must comply with CNEL Noise Compatibility Guidelines per the CLUP – even though County Staff acknowledged none of the residential land use changes proposed (including ADUs) are within the CNEL boundary. *This conclusion is based on inaccurate assumptions and is incorrect.*

The proposed zoning code amendments do not alter land uses within the CNEL boundary nor do any of the proposed amendments introduce new sensitive uses, outdoor activities or other actions that may be of concern as noted in the staff report in relation to noise-sensitivity within the CNEL boundary. Therefore, the City of Mountain View respectfully requests the Commission to find the amendments consistent with the policies contained in the Moffett Federal Airfield CLUP.

AVIGATION EASEMENTS

The staff report concludes that the Zoning Ordinance amendments have the potential to impact development and increase density within the CLUP AIA, therefore, driving the need to add avigation easements as disclosures of nearby avigation activity. *This conclusion is based on no factual information that would indicate the amendments proposed will increase development activity and therefore, the request to amend the City's code to add required dedication of an avigation easement does not have a nexus to the proposed amendments.*

The proposed Zoning Ordinance amendments do not increase density, height or any other development standard by which an increase of development activity is anticipated to result. Additionally, the new residential land uses introduced with these amendments have already been acknowledged by County Staff to be located outside of key areas of the CLUP, such as the CNEL boundary and safety zones. For these reasons, the City should not be required to make a further amendment to its Code as a condition of finding the proposed amendments to be consistent with the CLUP.

Since the proposed zoning code amendments do not increase density, height or other development standards that will directly result in increased development activity, the City of Mountain View respectfully requests the Commission to find the amendments consistent with the policies contained in the Moffett Federal Airfield CLUP.

Although the City does not believe it should be required to amend its Code to address avigation easements as a condition of this determination, the City notes that it has implemented the ALUC's request for avigation easements on new development within the CLUP's AIA and has met this request routinely since 2012 on new development projects within the AIA through a Standard City Condition of Approval, which currently reads:

AVIGATION EASEMENT: As deemed necessary by the Santa Clara County Airport Land Use Commission, an avigation easement shall be recorded for the property prior to the issuance of building permits. Proof of an executed avigation easement shall be provided to the Planning Division prior to issuance of a building permit.

Additionally, in Precise Plans whose boundaries are located within the AIA, such as the [East Whisman Precise Plan](#), specific language has been included in the Precise Plan acknowledging compliance with height measurement requirements (Pg. 32) and avigation easements (Pg. 182). While the City does not believe the nexus for such avigation easements are met in relation to the proposed zoning code amendments before the ALUC today, we want to reassure the Commission that we are partners in implementing the CLUP requirements.

Thank you for your time and attention. If you have any questions, please contact Krisha Penollar by phone at (650) 903-6036 or by email at krisha.penollar@mountainview.gov.

Sincerely,

Krisha Penollar
Senior Planner

Lindsay Hagan
Assistant Community Development Director