

Special City Council Meeting November 15, 2022 Council Questions

ITEM 4.4 Actions Related to Use of City Parking Lot 7 by Santa Clara County/Trinity United Methodist Church/Home First Services to Support a Cold-Weather Shelter (748 Mercy Street)

1. On Figure 2, what is the significance of Lot 11 being highlighted?

There is no significance to lot 11 being highlighted in the map. The map was merely to depict the various parking lots and structures in Downtown. For the cold weather shelter program identified for item 4.4, Parking Lot 7 is the lot being proposed to be used to support the program.

2. Are 100% of the participants from Mountain View?

Households from Mountain View will be given first priority. If occupancy permits, residents from other areas in the North County can be accepted, including Cupertino, Los Altos, Los Altos Hills, Milpitas, Palo Alto, or Sunnyvale.

3. Do we know why the Bank of the West declined to extend their parking agreement? We want to have the support and cooperation of businesses for our homeless assistance programs. This was a good example of one. What have we learned from this?

The parking agreement between Trinity United Methodist Church/Home First Services had recently expired. When Trinity United Methodist Church/Home First Services approached Bank of the West to renew the agreement, they were told by the new owner of the property that the new owner would not renew the lease. The applicants tried to secure parking agreements from other nearby businesses in the Downtown area to no avail.

ITEM 4.5 Fiscal Year 2021-22 Annual Compliance Report for Development Impact Fees and Capacity Charges; and Informational Reporting of Park Land Dedication Fee

1. Why haven't all of the Rental Housing Impact fees been expended? Are they less flexible than the nonresidential Housing Impact Fees? Do we prioritize expending nonresidential HI funds?

In general, impact fees are needed in large draw downs, and we typically use whichever source has funds to cover the entire expense so as not to divide funds across a single expense. We plan to expend the rental housing impact funds on the next NOFA-funded project.

2. Why are "North Bayshore Development Impact Fund—Sewer" fees being used on the "Miscellaneous Storm/Sanitary Sewer Main Replacement (20-22)" project to "repair and replace the segments of the existing sanitary sewer main and manholes on Castro Street and El Camino Real near Castro Street?"

The Miscellaneous Storm/Sanitary Sewer Main Replacement, Project 20-22, is an annual non-discretionary Capital Improvement Program (CIP) project with an allocation of various fund sources to cover multiple, to-be-determined sewer main replacement and repair projects. In June 2019 when the appropriation of funding for Project 20-22 was approved for a total of \$1,649,000, staff anticipated using some of the funding for a project in North Bayshore. Since that time, it has been determined that Project 20-22 funding will be needed for the Castro Street and El Camino Real sewer work.

When Council approves the project for construction in early 2023, the \$132,000 from the North Bayshore Development Impact Fund-Sewer will not be included in the project budget and will be reallocated for use to a different sewer-related project in North Bayshore.

ITEM 4.8 Modification to Addendum No. 11 to Regional Water Quality Control Plant Basic Agreement

1. It is my understanding that this is to cover the upgrade of the treatment plant itself, not the salt removal facility. Is that correct?

Yes, the purpose of Addendum #11 is to approve the financing for the costs of the wastewater treatment plant's primary and secondary facility upgrades and not the salt removal facility.

ITEM 6.1 Authorization of the Shoreline Regional Park Community Refunding Revenue Bonds, 2022 Series A

1. When the topic of refinancing Shoreline Bonds first came up at a Council meeting, I seem to recall the estimated NPV savings was in the \$6-7 million range. Have interest rates increased to a level that the savings dropped to the \$1 million range? Or did something else happen?

The initial estimate of savings was calculated about a year ago based on interest rates in effect at that time. In February 2022 the City Council approved moving ahead with a refinancing, but due to workload and staffing turnover, this was planned to be done in the spring/fall timeframe. However, beginning in June, the Federal Reserve Bank began an aggressive campaign to quickly raise interest rates in order to combat high inflation which has continued for the past six months. The higher rates have reduced the available savings from the initial estimate due to this situation.

ITEM 7.1 Construction and Demolition Debris Ordinance

1. If people have a small project such as a home remodel that doesn't require a debris plan, but want their construction debris to be recycled, what do they need to do?

Residents or contractors for small projects, such as home remodels, can rent a debris box from Recology, the City's exclusive hauler. Recology takes all Construction and Demolition (C&D) material to Zanker, a high diversion rate facility in San Jose, per the terms of their agreement with the City. For those who wish to self-haul their C&D debris, the City maintains a list of facilities that accept various material types for recycling, including mixed C&D debris. Solid Waste staff is also developing technical assistance collateral to provide more information about how to achieve the maximum possible recycling rate for C&D materials through strategies such as source-separation and minimizing contamination. This technical assistance will include a map-based tool to better direct contractors self-hauling their debris to facilities that can process their materials for recycling.

ITEM 7.3 Middlefield Park Master Plan

1. Is the \$1 million public art proposed in the POPA to be owned by the City? What role does the City play in the selection of this art?

The public art is located on private property and would be owned by the property owner, not the City; the \$1 million dollars goes toward the creation and installation of that public art.

As summarized in Condition No. 26 on PDF page 10 of Attachment 3, during the zoning permit review of the development phase which includes Ellis Park (Phases 1/2), the City's role is to review the proposed public art location, the art vision statement and design principles, the conceptual designs of the public art, and the process/timeline for production and installation of the public art. The community and the DRC will also have the opportunity to provide input into the public art. Finally, City staff will also review and approve the final art design. Ultimately, through this process, City staff works with the applicant on the public art details and execution, but the City will not select the artist.

2. As noted on page 36 of the staff report, this project is a large portion of the customer base for recycled water in the East Whisman area. What percent of the total is it? If a private district utility system is built, will it still make sense to prioritize expansion of the city's recycled water system to East Whisman?

This project will be approximately 28% of the customer base of the East Whisman Precise Plan Area per the City's 2022 Recycled Water Feasibility Study and the project's Utility Impact Study, prepared as part of the Supplemental Environmental Impact Report. The remaining 72% would still provide a large customer base that could benefit from City-supplied recycled water.

The City has several recycled water CIP projects that must be completed in North Bayshore (and possibly in Palo Alto) before expansion into East Whisman can occur. The City can consider adjusting priorities for expansion of the recycled water system if conditions or opportunities change while the North Bayshore recycled water system is being completed.

3. When/how will the decision be made as to whether or not to build a private district utility system?

City staff consulted the applicant to respond to this question as pursuing the district system is at their discretion. The applicant responded that the decision to pursue the private district utility system will be made when the development phase containing the Central Utility Plant submits a zoning permit for review – expected in Phase 2. How the decision will be made is based on technology progression, the current status and extension of city systems (e.g. recycled water), and the development of utility-run programs, since the main components of the district system (thermal heating and cooling, microgrid electricity, and recycled water) work synergistically.

4. Just to be clear – 24,000 sf of the 50,000-sf ground floor commercial space could be office space, correct?

The East Whisman Precise Plan requires 5,000 square feet of ground-floor commercial space that must be Neighborhood Commercial uses as defined in the Precise Plan. Neighborhood Commercial uses include active, neighborhood-serving type uses, such as retail, personal service, fitness center, studios uses for dance, art, and music, restaurants, etc. Within these Neighborhood Commercial Uses, General Office uses are permitted only with approval of a Provisional Use Permit at an Administrative Zoning public hearing. Examples of General Office include uses such as nonprofit offices, law offices, real estate office, etc.; however, Administrative Office or R&D Office uses are prohibited (which high-tech businesses would be classified as).

As part of the Master Plan, the applicant has identified 45,000 square feet of additional ground-floor commercial space within the plan area, beyond the Precise Plan required 5,000 sq. ft. Of this space, the applicant's Community Benefit Small Business Program offers 22,000 square feet of the 45,000 square feet as additional ground-floor commercial uses aligning with the Neighborhood Commercial uses in the Precise Plan.

Outside of the commitment to 27,000 square feet of ground-floor Neighborhood Commercial uses consistent with the Precise Plan and their Small Business Program, the applicant is essentially requesting the additional 23,000 square feet of ground floor commercial as an option under this maximum development program. Delivering this additional space will be dependent on the market conditions. Staff has studied this maximum as part of the Master Plan materials and supports providing this flexibility for additional Active Use space on the ground-floor should the applicant pursue it.

5. About how many sf is a small grocery store? Is it about 9,500 sf? How many sf is Ava's Downtown Market?

Grocery stores can range in size. Specialty grocery stores like Whole Foods and Trader Joes typically range in size from 15,000 to 30,000 sq. ft. However, markets in more urban locations can be smaller at 15,000 sq. ft. or less. Considerations in this Master Plan, the grocer would fall into the urban size market at under 15,000 sq. ft.

Ava's Downtown Market at 370 Castro Street is approximately 8,600 square feet.

6. Have other developments in the city provided ground floor retail as a community benefit? If so, has the construction cost of the space and the associated parking been considered a community benefit? If not, why is it considered a community benefit for this project?

City staff is not aware of any other development project that has proposed a small business support program of subsidized commercial space such as the one proposed with this project. However, there are other small-business focused community benefit offerings approved by past Councils for other development projects, including:

- Retaining existing tenants on-site with long-term leases for Rose's International Market, Tanya's Hair Design, Le's Alterations, Peet's Coffee and Tee, and Sufi Coffee Shop and Cultural Center at 801 W. El Camino Real (Greystar) in 2014. No cost evaluation was conducted for this proposal. Parking on site is available to the businesses.
- Deed-restricting a multi-tenant light industrial building for the preservation and support of local small businesses, including the Pear Theatre, as part of the community benefit for North Bayshore Bonus FAR for the 1255 Pear Avenue Mixed-Use project. No cost evaluation was conducted for this proposal. Parking on-site is available to the businesses.

When evaluating the value of constructed building space, it is typical to include all the supporting components of that built space, which, in this case, includes back-of-house space, parking, permit costs, impact fees, etc. This allows the full value to be considered in evaluating the space. For the evaluation of this constructed space, it was appropriate to include all of these components as this ground-floor space exceeds the Precise Plan 5,000 sq. ft. min., so the applicant would not otherwise be required to provide this ground-floor commercial space or Community Pavilion building per the Precise Plan; and the parking would not be constructed by the applicant if the ground floor commercial space (including the Community Pavilion building) was not provided.

7. If the parking for retail is shared parking with other uses, why is 100% of the parking cost considered a community benefit? Why is it not just a percent of the cost of the parking spaces?

Parking ratios and any shared parking configurations have yet to be set between the ground-floor commercial and residential uses in the Master Plan. City staff studied parking scenarios in the Master Plan Multimodal Transportation Analysis to help streamline the review of subsequent zoning permits for each phase of development, when parking ratios will be determined.

Additionally, the applicant has indicated to City staff that the ground-floor commercial space in R1/R2 will have separate parking for commercial use; therefore, shared parking is not presumed in the evaluation. The parking spaces accounted for in the community benefit evaluation is for the 21,000 sq. ft. subsidized ground-floor commercial space and 1,000 sq. ft. Community Pavilion building only. Similar to the response for Question 6, 100% of the cost of parking was assumed in the community benefit valuation since the 22,000 sq. ft. of ground-floor commercial space/community pavilion is not required to be provided per the Precise Plan and would only be constructed in association with this program.

8. On page 12 of the staff report it says that a community meeting will be held for each PCP permit. Please tell me more about these meetings. What entity sponsors the meetings? Where will the meetings be held? How will notice of the meetings be done?

The Staff Report referenced community meetings are the same community/neighborhood meetings that occur on all new private development projects in the City. These meetings are hosted by the applicant to introduce and seek input on their project by property owners and tenants within at least 750 feet, as well as any nearby neighborhood association. City Planning staff is often in attendance at this meeting to listen and respond to questions regarding the City process or City regulations. Notices of the meeting date and time are required to be mailed by the applicant within the 750' radius, can be announced on a project website and email interest list (both of which the applicant is required to maintain for this project as noted in Procedure 2 on PDF page 43 of Attachment 3), and via email to the neighborhood association contact.

Because the timing of these community/neighborhood meetings will be based on the timing of each phase of development's zoning permit application, City staff nor the applicant can confirm where these future meetings will be held at this point. However, with COVID restrictions being lifting, these meetings will likely be held in-person.

9. Are there any plans, or even discussions, about making changes to light rail, or the light rail right of way, to make it a viable form of public transit?

Staff continues to monitor VTA's studies and plans for the light rail system. VTA has a current project to improve the speed and effectiveness of transit services in Santa Clara County, including specific analysis of the light rail system.

10. If basic utilities need to be installed in the affordable land dedication sites before they are dedicated to the city, does that mean they will not be part of the private utility district?

No, not necessarily. It is the City's standard practice to ask for City utilities to be stubbed to the property line for any parcels dedicated to the City for development. Should Council be interested in the affordable housing sites participating in the private district utility system (once the land becomes available), then further studies and considerations would need to be conducted by City staff, and additional agreements would be necessary between the City and applicant before proceeding.

11. How much of the Bridge Open Space will be consumed by the bridge? Will there be room for any other uses, such as landscape, seating areas, etc.?

The applicant paid for and prepared a Bridge Concept Study to confirm the proposed dedicated parcels could accommodate a conceptual bridge design and infrastructure, as well as a private district utility system encroachment. Following review and verification by City staff, the study confirmed the space is adequate to accommodate these infrastructure needs.

Specifically, the study confirmed the bridge structure, at grade and above grade, will occupy approximately between 25% and 50% of the two parcels depending on the final design of the bridge. The final design of the parcels will include hardscape paths and landscaping. Additional items such as seating areas and other landscape features could also be included. There are several large existing and proposed utility easements on these two parcels, as well as easements or restrictions along the VTA light rail tracks; therefore, there will be limited room for trees on these parcels.

12. Has a use-tax point-of-sale permit been used before in Mountain View? If so, where was it used?

No, the Use-Tax Point-of-Sale Permit has not be used before in Mountain View. This would be the first project that has incorporated this permit into the project DA.

13. On page 34 of the staff report it says that the city cannot control future application of coatings. Can the city ban the sale or use of non-super-compliant VOC compounds in the city?

City staff would need to further investigate whether a ban that only permits the use of super-compliant VOC architectural paints and coatings on development projects is feasible. This ban would need to occur citywide and can't be applied as a condition of approval on a project-by-project basis.

14. As part of the master plan, parking ratios are not proposed but the applicant has noted their desired parking ratios. Is there any reason that the desired parking ratios will not be used?

Ultimately, the parking ratios will be established with each development phase utilizing parking information either provided by the applicant, prepared by a transportation consultant through the City, and/or previously studied in the Master Plan Multimodal Transportation Analysis. While the applicant has indicated their preference (as noted in the Staff Report), it's hard to determine if that will ultimately be the parking ratios pursued throughout the Master Plan, as it will be dependent on the amount of development, ground-floor commercial tenants, etc.

15. What is the current tree canopy coverage that will be doubled with full build out of the master plan?

On PDF pages 204-206 of Attachment 9, the applicant has provided a summary table of the proposed tree canopy coverage, as well as a graphic displaying the canopy coverage over the 20-year timeline. For ease, staff has included the summary table.

Please see on Page 7.

Table 6

Proposed Canopy in Non-Dedicated Project Areas (Not within Private Areas)							
	As-is canopy - Acres	Time - Phase 1	Time - Phase 2	Time - Phase 3	Time - Phase 4	(Four more)	Fully Mature Canopy - 20+ years
Total Years	0 yrs	0 yrs	4 yrs	8 yrs	12 yrs	16 yrs	20 yrs
Existing / Preserved - Phase 1 Region - Ellis Park	1.8	0.6	0.6	0.6	0.7	0.7	0.7
Existing / Preserved - Phase 2 Region	1.8	1.8	0.6	0.6	0.6	0.6	0.7
Existing / Preserved - Phase 3 Region - Private	0.4	0.4	0.4	0.1	0.1	0.1	0.1
Existing / Preserved - Phase 4 Region - Private	0.5	0.5	0.5	0.5	0.4	0.4	0.4
New - Phase 1 Region	n/a	0.2	0.7	1.4	2.1	2.6	3.7
New - Phase 2 Region*	n/a	n/a	0.1	0.3	0.5	0.7	127.83%
New - Phase 3 Region* - Private	n/a	n/a	n/a	0.1	0.8	0.9	2.3
New - Phase 4 Region* - Private	n/a	n/a	n/a	n/a	0.1	0.4	2.0
Total Canopy Acreage	4.5	3.5	2.8	3.6	5.3	6.4	11.3
Whole site acreage minus Maude, Gateway, R6 + R4A	31.37	31.37	31.37	31.37	31.37	31.37	31.37
	14.34%	11.07%	9.02%	11.37%	16.80%	20.41%	35.92%

16. In Attachment 18 – what is the thinking behind assuming 90 residential units will be ownership units? Is it possible to have a mix of ownership and rental units in the same building?

The 90 ownership units were assumed to be located in the R4B building, based on its size and location. Staff wanted to assume some ownership within the project to get an understanding of how it may impact the evaluation of the BMR Alternative Mitigation prepared by Strategic Economics.

Yes, it’s possible to have rental units and ownership units within the same complex. One way is to have some portion of rental units within one ownership residential HOA development. In this circumstance, most HOA’s have a percent limit (or max. unit cap) on the amount of rental units within a given ownership complex to maintain eligibility for mortgage financing; and these are typically rented directly from the unit owner(s). Alternatively, a residential complex could have multiple residential buildings and separate the rental product type building from the ownership product type building and thus have a mixed product type, where the rental units are managed by a property management company. A local example of this would be the 1001 N. Shoreline Boulevard project, which includes separate residential ownership and rental buildings within the same overall development.

17. On page 10 of the staff report it says that the ALUC staff confirmed the project is consistent with the CLUP. What staff person confirmed this?

In the summer of 2021, City staff had final discussions on compliance and consistency of the development with the prior East Whisman Precise Plan ALUC approval and Moffett CLUP with Bharat Singh and Rob Eastwood from the County of Santa Clara Planning Department.

18. In Attachment 7, pdf pages 4 and 5 look to be duplicates of earlier pages.

Thank you for alerting City staff to the duplicative pages. You are correct, pages 2 and 3 were accidentally included twice into Attachment 7. Staff apologizes for any confusion.

19. How will the water need for this area be met? Please say a little bit about potable water supply, recycled water, sewer, stormwater retention and flood risk reduction.

This project will be responsible for paying the Sewer Capacity Fee, the Water Capacity Fee, and the East Whisman Precise Plan Development Impact Fee. The capacity fees are designed to recover the cost of water, recycled water, and sewer system infrastructure that benefit the new development to help ensure that growth pays its own way. As part of the CEQA environmental review for the project, the impact of this project on domestic water, recycled water, sewer capacity, stormwater capacity and flood risk were all evaluated with various studies. Key findings are as follows:

- Water Supply - The Utility Impact Study concluded that for the project, with or without the District System, the water distribution system will have sufficient capacity to serve the project with the construction of future CIP projects outlined in the General Plan Utility Impact Study (GPUIS) and the East Whisman Precise Plan Utility Impact Study (EWUIS).
- Recycled Water - The City's 2022 Recycled Water Feasibility Study Update included the growth projected in the East Whisman Precise Plan Area. Expansion of the recycled water system to this area would be met with the CIP projects outlined in that study.
- Sewer Capacity - The Utility Impact Study for the project also studied the sewer impacts of the project without the District System, with the District System and with the District System but the system being offline. With the projects outlined in the GPUIS and EWUIS the system has capacity with the following one exception: for the scenario with the District System being offline, there is one additional pipe segment that requires upsizing. The project will be responsible for paying its fair share of upsizing that pipe if that project option is chosen.
- Stormwater Capacity - In terms of the impact of the project on stormwater retention and the city's stormwater capacity, the project will increase stormwater retention onsite and decrease the peak rate of water entering the City's storm drain system. The project site is currently 83% impervious surface which will be reduced to 74% with the project construction. Additionally, the project is required to meet regional storm water requirements. Both factors will reduce both the amount of stormwater and the peak rate of stormwater entering the city's system.
- Flood Risk - The project is in FEMA Zone X which indicates a reduced risk of flooding, that will not change with the project construction. The impacts to the stormwater system listed above could help prevent downstream flooding.

20. Given the additional property taxes that will be collected from this new development, how much is expected to go to the School Districts in a standard year?

The applicant has estimated an annual of \$5.5 million per year to the local school districts at full build-out of the Master Plan, based on the increased tax revenues from the project.

21. The number of students produced by development is a controversial topic. If there are some readily available estimates, about how many elementary and high school students will be produced by this development, please share them and where the numbers came from.

PDF page number 326 of Attachment 1 is the Final Supplemental EIR for the project, which includes the summary table below of the number of students anticipated with the Master Plan. It's important to note, this summary is a snapshot of the full Master Plan build-out against current student enrollment; so, this does not account for the fluctuation of student enrollment over time within the lifetime of this project (20 years), for which projections are not known at this time.

2019-2020 School Enrollment and Capacity			
School	Capacity	Enrollment	Estimated Number of Project-Generated Students
Vargas Elementary School ¹	492	293	185*
Edith Landels Elementary School ¹	504	442	62*
Graham Middle School ²	1,294	871	153
Mountain View High School ³	1,640	2,183	190
Notes: *Approximate student generation per elementary school provided by Mountain View Whisman School District comment letter dated June 9, 2022.			
1 Cunningham, Elona. Jack Schreder & Associates, Inc. Personal Communication. October 19, 2021.			
2 Westover, Rebecca. Associate Superintendent, MVWSD. Personal Communication. January 19, 2022.			
3 Mathiesen, Mike. Associate Superintendent, MVLASD. Personal Communication. December 9, 2021.			

22. What is the annual report on the DA expected to include?

The annual report for a DA is typically based on the particular components of the DA, such as the delivery or performance milestones, progress and timelines, etc. For a DA like the one proposed, an annual report could include, but is not limited to, the following:

- progress on development within that given year - status on permits, construction, etc
- balance of delivered items and remaining items to deliver within the timelines remaining (e.g. cash payments, land delivery, etc)
- tally of Bonus FAR and/or development reserve square footage used and remaining
- progress on the Small Business Program that given year, along with any requested adjustments to the program

23. In Attachment 8, pdf page 51, the last sentence ends abruptly “The number of residential loading spaces will be determined by the ...”. What is the rest of this sentence?

Thank you for catching that error. The entire sentence is supposed to read: The number of residential loading spaces will be determined by the EWPP standards.

24. Are there any plans that are in the works at the city that this development will not need to comply with?

There are no new policy development, regulatory updates, or new fees that are currently in development on City staff workplans that this project would be exempt from complying with; other than the redlined text in the DA Attachment 2, which identifies some exemptions from City Code compliance for installation of the private district utility systems or improvements in the right of way.

25. What are the requirements for day care centers in terms of open space? Can a public park, or POPA, meet the day care center requirements?

Childcare Centers are regulated locally by the Santa Clara County Department of Social Services, as well as regulated statewide by Title 22 of the California Government Code. Per Title 22, at least 75 sq. ft. of outdoor activity space is required per child and must meet minimum safety, shade, and other locational requirements. Ultimately, the licensing agency (Santa Clara County) would determine the eligibility of a childcare center within the Master Plan area and evaluate whether a public park can be utilized for some or all of the required outdoor activity area.