

City Council Questions

February 23, 2021 Council Meeting

ITEM 3.1 Residential Development Project at 555 West Middlefield Road

1. The applicant suggested other ways to address the density bonus concern expressed by the EPC. Can staff provide more information about a potential narrowly-scoped development agreement or condition of approval?
 - a. Which provides greater certainty to the City? Or do they provide equal certainty?
 - b. Are there expiration dates we would need to be mindful of?
 - c. If they are equally strong, which one is faster and easier to implement?

Please see response to Question 2.

2. The EPC recommended Council consider options for the requested General Plan amendment and rezoning, which would allow the project with the current proposed density of 51 dwelling units per acre but not allow up to 80 units per acre. The applicant suggested three possible ways to pursue this, listed below. Which of these way does staff believe would work best?

While the EPC supported the project at the proposed density (51 du/ac), the EPC expressed concern about a General Plan amendment that would allow a much higher density of up to 80 du/ac on the site. Staff believes that the three options suggested in the applicant's letter would not effectively address the EPC's concerns and may result in unintended consequences that have not been fully studied, as further explained below.

- a. An express condition imposed on the Project stating that if the applicant sought to modify Project approvals to include a density bonus component, the applicant expressly acknowledges that this would constitute a major modification that triggers full discretionary review on the City's part and additional CEQA review.

The City's standard conditions of approval already require additional discretionary review for any major modifications to the project after entitlement. A project change increasing density to the maximum allowed under the high density land use designation (80 du/ac) would constitute a major modification under the City's existing law and practice. This option does not provide any additional review authority or restrict a new proposal with additional density at the subject site. While additional review may be required, the City's ability to deny or reduce the density of a proposed higher density project may be limited under state law.

- b. A modification to the existing General Plan Amendment proposal to include a minor General Plan text amendment that would expressly restrict the Project's overall unit count to a total of 731 units. Unlike staff Option 2 above (that would involve a comprehensive re-evaluation), this option would be a straightforward, site-specific text amendment, which would avoid the need to create a "custom" General Plan land use designation.

General Plans are intended to express the community's vision in a clear and transparent manner that is easy to understand and administer, and promotes streamlined processes, and integrated planning. A site-specific General Plan text amendment restricting the unit count on the site would be a major departure from the City's practice that should not be implemented ad hoc for one project, without a more comprehensive study and citywide policy discussion, as it could be precedent-

setting and may have unintended consequences. Under this proposal, the site would still have a General Plan land use designation that allows up to 80 du/ac but would have a site-specific text amendment that only restricts the total unit count on this site, among all sites with the same land use designation. Given the trend in new state laws that favor density, it is unclear whether this unique treatment of one site would be controlling if a future project sought to avail itself of the higher density allowed under the land use designation. For these reasons, staff does not recommend this option.

- c. Create a narrowly tailored development agreement to address the issue of total unit count/density only, wherein it would make a binding commitment not to pursue any development approvals for the Project site beyond the total of 731 units; this commitment would then be made in exchange for a vested right to proceed with the Project as proposed.

A Development Agreement (DA) is project-specific and is not a tool that can bind density limitations on a project site if a different project is later proposed. A DA is used to extend the project entitlement timeframe for the approved project and not to limit future development potential on a site. Also, a DA is for a fixed contract term and will have an expiration date. At expiration of the DA, all the terms related to the project in the DA expire; the DA does not run with the land beyond the end of its term.

STAFF RECOMMENDATION: If the Council wishes to allow the project to move forward but with a restriction on the maximum density, the following approach could be used:

- Keep the (P) Planned Development zoning designation for the site. The maximum density of the P zone would be based on the General Plan land use designation for the site.
- Create a new General Plan land use designation of 36-50 du/ac. This designation would be applied only to the 555 W. Middlefield site but could be applied to other sites in the future. This would result in a reduction of approximately 14 units on the site. However, staff does not recommend creating special designations for specific sites (such as 51 du/ac) for the reasons mentioned in option 2. (this is pertaining to “B” above).

3. Can staff clarify the scope of the General Plan work being done as part of the R3 Zoning District Update? Are new land use designations proposed to be created that would address the concern expressed by the EPC?

Staff will be analyzing the existing General Plan designations and proposing new residential density categories as part of the R3 zoning district update. The exact appropriate density ranges or additional number of residential General Plan land use categories are not known at this time and will be assessed further as amendments to the R3 zoning is further defined. The first Council study session pertaining to the R3 zoning update is anticipated in April and completion of the project before summer of 2022.

4. Can staff provide rough estimates for the costs of the feasibility studies? (“Middlefield Sidewalk Across SR85” and “Steven Creek Trail – North-Side Trail Access Point”)

The current cost estimate for the Middlefield Road Sidewalk Feasibility Study is \$300,000. This project is proposed to be included in the upcoming FY 2021-22 through FY 2025-26 Five Year Capital Improvement Program.

5. Will there be an enforcement mechanism to force tenants to park in their assigned parking area, meaning tenants who live in existing units can only park in Block A, tenants who live in Block B can only park in Block B, etc.?

The applicant has proposed that existing residents will be given permits that would allow them to park in Building A or C, residents of Building B will be given permits that would allow them to park in Building B only, and residents of Building C will be given permits that would allow them to park in Building C only. Parking would be managed by the management team and could be modified as necessary to address issues that may arise over time.

6. Will the parking be unbundled? Will there be assigned parking spots?

Unbundled parking is not proposed as part of the project and each unit would be assigned a minimum of one parking space.

7. What further design modifications are staff working with the applicant on?

Staff is working with applicant on the following project refinements:

- Massing improvement and arrangement of design elements such as windows, columns, etc.;
- Color and material details and transitions;
- The existing building renovation colors and materials.

8. Have TDM programs at other residential developments in Mountain View been successful? Have they achieved the trip reduction targets they were intended to achieve?

City has not conducted a study to assess the success of past project TDM programs. The monitoring of TDM programs and a TDM ordinance are included in the current goals and are expected to begin after staff is hired for that purpose.

9. What is the current tree canopy coverage and what will it be at maturity post development?

The current tree canopy coverage on site is approximately 25% and is anticipated to be 28% at maturity post development.

10. Are the community benefits to be the “value” of allowing this project through the gatekeeper process? Or are the community benefits the “value” of the additional density? Or something else?

Community benefits refer to contributions to the City as part of a development in exchange for approval to develop additional density/intensity as part of General Plan and/or Zoning Amendment (Gatekeeper request). There is not a defined value for expected community benefits as part of Gatekeeper requests and they are proposed and evaluated on a case-by-case basis.

11. Is the Middlefield Sidewalk Across SR-85 Feasibility Study looking at adding width to accommodate a sidewalk?

The Middlefield Road Sidewalk (Between Moffett Boulevard and Easy Street) Feasibility Study will evaluate the feasibility of providing a continuous sidewalk on the south side of Middlefield Road over Highway 85 to close the sidewalk gap between Moffett Boulevard and Easy Street. The study will evaluate utilizing the existing width of the Middlefield overcrossing over Highway 85 as well as widening the overcrossing to accommodate a sidewalk.

12. How did the model parking standard come about? What year was it created? What drove the creation of it? Where is it located in the city’s documents?

The model parking standard was developed in 2012 during a period where the City received several high-density residential development applications that proposed parking ratios less than the City’s

parking requirements. Staff conducted a comprehensive parking study of existing high-density residential projects in the City and also reviewed a parking utilization study conducted by VTA for residential projects in neighboring cities to assess whether reducing parking from the City's parking requirements was appropriate for larger, high-density residential projects. The study found that parking demand in the studied projects was approximately 22% less than the parking provided and resulted in the "model parking standard." The model parking standard ratio only reduces the parking for studio and one-bedroom units and remains the same for units with two or more units and allows guest parking to be inclusive of the required parking spaces unless otherwise warranted. The study was presented to the EPC at the April 18, 2012 study session where it was supported by the EPC and was used as the parking ratio for the high-density projects that were under review at that time and future projects. The parking ratios reflected as part of the model parking standard were also used as the basis for the adopted residential parking requirement in the El Camino Real and San Antonio Precise Plans.

13. What is the cost of the feasibility study for adding a sidewalk on the South side of the bridge over 85?

The current cost estimate for the Middlefield Road Sidewalk Feasibility Study is \$300,000. This project is proposed to be included in the upcoming FY 2021-22 through FY 2025-26 Five Year Capital Improvement Program.

14. What is the cost to design an accessible pathway for bicyclists and pedestrians from the North side of Middlefield Road to the Stevens Creek Trail?

The current cost estimate for the design and construction of the Stevens Creek Trail Northside Access Point at Middlefield Road is \$1.35 million. This project is currently unscheduled.

15. According to the applicant, the sidewalk is 6 feet wide, with several pinch points where it is slightly less, along Moffett. This appears to be narrower than sidewalks on Castro, which range from 9 feet to 20 feet and are often 11 feet. The sidewalk by the Prometheus development on Moffett is 12 feet. Does the city have a standard sidewalk width for Moffett in the Moffett Precise Plan? Does the City have a guideline for sidewalk widths adjacent to 50-foot-tall or three or four story buildings? How would the sidewalks match those planned along the rest of Moffett Boulevard? Have they been planned to give Moffett the look and feel of a downtown city street like Castro?

Moffett Boulevard is a change area in the General Plan and the City has not prepared a Precise Plan for the Moffett Change Area. In the absence of a precise plan, the City standard sidewalk and landscape widths are 5'-wide sidewalks and 5' wide landscape strip. The City does not have specific sidewalk guidelines based on building heights and does not have any current plans for modifications to the sidewalks or overall streetscape of Moffett Boulevard.

16. Are there any benefits that community members want? Has the community been asked? Are there any benefits that would help the Moffett area become walkable in the way Castro is now?

Based on public input received, the community has requested a trail connection, a sidewalk extension on the south side of Middlefield Road over Highway 85, and a sound wall extension along Highway 85.

17. Could you please provide a history of how R4 zoning came to be considered for this parcel? Would it apply to the entire parcel? What are the requirements for an R4 zone - I thought it had to be adjacent to other R4 developments, etc.?

The existing General Plan Land Use Designation for the subject property is Medium-Density Residential, which allows a range of residential uses with densities from 13 dwelling units per acre to

25 dwelling units per acre. The project site is currently zoned P (Planned Community), where the development standards and/or design guidelines are related to the specific development approved on the site as part of the Planned Community Permit. The gatekeeper proposal to amend the General Plan Land Use Designation to High-Density Residential and R4 zoning was proposed to allow higher-density development of 51 dwelling units per acre.

Adjacency to other R4 development is not a requirement but the R4 zoning standards do restrict new R4 zoned sites contiguous to R1 or R2 zone properties. The maximum density allowed under the R4 zoning is 80 dwelling units per acre.

18. Do we require a Transportation Fee now in NBS and/or East Whisman? Are we requiring one for this development?

We do have a Transportation Fee requirement in NBS and EW Precise Plan. This project is outside the precise plan areas and therefore not subject to those transportation fees. However, the project will be subject to the City-wide Transportation Impact Fee (TIF).

19. The staff report mentions some park in-lieu fees in addition to the land dedication. Approx. how much will that be? What is the cost estimate for building the park? The staff report mentions the developer wants to lease back the park space for staging. Do we charge a lease fee for that?

The park-in-lieu fees for this project would be approximately \$3.2 Million. The cost of building the park is not known at this time and would be defined after design of the park. In other projects, Staff has required a fee as part of the short-term lease of the parkland to developers and is determined on a case by case basis.

20. One of the direction points from EPC and Council as noted on page 5 of the staff report is "Reduce the four-story height along Cypress Point Drive and introduce fourth-story step-backs." Are the Block C buildings down to 3 stories or are they still at 4 stories?

The height of Building B closest to the street was reduced from 4 stories to 3 stories by pushing the fourth story back away from the street. Significant massing breaks were introduced in Building C and the entire building pushed back an additional 6-7 feet from the street.

21. RHNA #'s - in addition to the 15K units we zoned in NBS and East Whisman for housing that should meet our RHNA #'s, can any of the units in our development pipeline count?

For the sixth cycle of RHNA (2023-2031), projects that have been approved, permitted, or received a certificate of occupancy since the beginning of the RHNA projected period may be credited toward meeting the RHNA allocation based on the affordability and unit count of the development." For ABAG jurisdictions, the beginning of the projection period is June 30, 2022. In other words, if projects in the pipeline are approved, permitted, or receive a certificate of occupancy on June 30, 2022 or later, they can count in the sixth cycle site inventory.

ITEM 4.3 Silicon Shores Rent Modification Due to COVID-19

1. In the applicant's letter what does "Cities cancelled contracts outright on their own accord without consulting us." mean?

The recreation departments of nearby cities process registration for Silicon Shore camps. A few cities stopped registration and refunded payments to families without checking with Silicon Shores to confirm camps were cancelled. These agencies cancelled or postponed all group activities due to the

Shelter-In Place Orders in order to be consistent across all program areas even though Silicon Shores was only closed for a period of time and was able to be operational by complying with changing COVID regulations by County and State.

2. Did the city envision having activities on the lake and a café when the lake was originally built? Or did someone not from the city suggest this would be a nice addition to the lake?

The sailing lake and associated facility was included in the original design plans for Shoreline Regional Park. The operation of a café with associated water sports was also part of the original Park plan.

3. How does the 50% rent abatement request relate to what we are offering them? Wouldn't that be a 4% of gross receipts related to food and a 5% of gross receipts for everything else?

Strictly interpreted, a 50% rent abatement would be reducing the percentages to 4% of gross receipts for food/beverage and 5% for all other. Staff did not recommend the 50% reduction because, with a percentage-based rent, the tenant is already receiving an automatic reduction in the net annual rent when their gross revenue declines. Notably, no rent was collected in April and May of 2020 when the business was closed. As noted in the Council Report, the tenant's rent was reduced by 43% in 2020 due to decreased gross receipts. In staff's analysis, the recommended rent reduction to 6% (from 8 %) of gross receipts on food/beverage and 8% (from 10%) on all other revenue retroactive to June 2020 will provide more than 50% in monetary rent reduction when combined with the automatic reductions provided by the percentage based lease.

ITEM 4.4 Fiscal Years 2019-20 and 2020-21 Council Major Goals Work Plan Status Update

1. Project 2.1, "Review and propose revisions to the R3 Zone standards," is proposed to be completed this fiscal year. How is that possible? Wouldn't this more appropriately be categorized under "Projects Carrying Forward to Next FY"?

This project was inadvertently noted as being completed this fiscal year; instead, it is carrying forward. The remaining project actions include an April 2021 Council study session to discuss R3 Zone Standards, staff drafting the final R3 standards and beginning environmental review in May 2021, and the final adoption hearings anticipated to conclude in early 2022.

With this project modification, there are now 28 total carryforward and deferred projects.

The updated project status and additional project details will be provided in materials for the March 16 City Council/Staff Joint workshop where the City council will discuss Strategic Priorities and potential projects. This will include consideration of the existing Major Goals projects anticipated to carry forward into next fiscal year, previously deferred projects, and a limited number of potential new projects. Staff will also identify projects completed or currently underway related to COVID-19 response and recovery that are not on the existing Work Plan, as well as identifying other citywide action plan projects. After the March 16 meeting, staff will analyze the Council feedback and bring the draft Work Plan to Council with the budget update on April 27.

2. Did Project 2.7, "Update City documents, including the Density Bonus Ordinance, to implement new housing laws," only include the density bonus ordinance? Or have we updated other ordinances to comply with state housing laws? If other ordinances have been updated, which ones?

Staff identified the ADU ordinance and Density Bonus law as key ordinance revisions to address state housing laws and the projects have been completed. Staff is also making administrative changes to respond to state housing laws such as: (1) revising application forms and information required from

applicants to provide complete applications, putting together information to respond to questions (such as replacement requirements for projects that demolish units), and putting in new practices to ensure that staff can meet the challenging processing times (improving interdepartmental coordination, reducing contract times for small studies, etc.). Over the coming year, staff will also review best practices and create a program to make improvements. Some of these may be administrative, while others may include clarifications for processing applications or ordinance amendments.

3. Project 5.5, “Continue to work with the Visual Arts Committee to encourage public art,” is proposed to be deferred, but haven’t we already signed a contract with a consultant? If we are already spending money on this, wouldn’t it be more appropriately categorized under “Projects Carrying Forward to Next FY”?

At the June 9, 2020 meeting, the Council approved deferring this project for reconsideration during the next goal setting cycle. At the time, staff did not believe they could undertake the necessary steps to carry out this project given shifted priorities resulting from COVID-19. Nevertheless, staff was able to continue work on some aspects of this project following the June 9, 2020 deferral decision. The City entered an agreement with a consultant to assist with development of a Public Art Strategy – to draft goals and vision, conduct comparative analysis of neighboring cities of requirements for art in private development, and to conduct outreach based upon the draft goals and vision.

Additional work and funding is necessary to continue this project. The City Council will be asked to consider whether the outstanding work for this project should continue on the new work plan when it considers how the existing Major Goals projects anticipated to carry forward into next fiscal year, previously deferred projects, and potential new projects fit into the City’s new strategic priorities at the March 16 and April 27 City Council meetings. A funding request (anticipated to be \$10,000) for additional consultant support will accompany consideration of this project.

4. The number of projects doesn't necessarily indicate the amount of effort (staff time) that each one takes. Is there an estimate of the staff time needed for each or an analysis of which projects are staff time intensive versus those that aren't?

Item 4.4 is intended to provide an overview/status update of projects on the current Major Goals Work Plan. Additional project details (potential timelines and tentative workload impacts) will be provided in materials for the March 16 City Council/Staff Joint workshop where the City council will discuss Strategic Priorities and potential projects. Following the March 16 meeting staff will further evaluate the workload impacts of each project (those projected to carry forward, that were deferred, and newly proposed) and present a prioritized project list that considers workload impacts to the City Council on April 27.

ITEM 4.6 Approve the City’s Draft Response to the 2019-2020 Santa Clara County Grand Jury’s Final Report, “Why Aren’t There More Female Firefighters in Santa Clara County?”

1. A \$30K grant helped with the additional recruitment for the female Fire Fighters. How did that come about? Was it requested by FD, HR, others?

The Fire Department had established a Recruitment Committee in 2018 at the request of the Fire Chief after experiencing a lack of diversity in the entry level applicant pool. The funding referenced in the City's response to the Civil Grand Jury was proposed by the Fire Chief and included in the City's budget in Fiscal Years 2018-19 and 2019-20.

ITEM 6.1 1600 Amphitheatre Parkway and 2000 North Shoreline Boulevard-Project Modifications

1. Would the public access in 1600 Amphitheatre Parkway be lost forever with this change? For instance, if a new tenant were to move into the complex, would the public access be restored?

The interior public access would be permanently removed and replaced with the proposed configuration if the project is approved. If a new tenant were to move into the complex, the revised conditions would apply (i.e. the public access would not be restored).

2. Other property owners with public access easements could request similar changes under the guise of security concerns. What distinguishes this request from, for example, a request to remove the public access through Park Place or The Dean?

Each situation would need to be evaluated on a case by case basis but staff would request information to substantiate security risks which would be evaluated with the Police Department. For the project modification requests by Google, staff and the Police Department coordinated on reviewing and evaluating the applicant's security risks and concerns with the requested modifications and found them to be warranted.

ITEM 6.2 Vacation of Public Service Easement at 939 West El Camino Real

1. What will be built here? How will it fit into the El Camino Real Precise Plan?

On August 12, 2020, the Zoning Administrator conditionally approved a Provisional Use Permit, Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit and the Subdivision Committee approved a Preliminary Parcel Map to construct a three-story, mixed-use development with a senior memory care facility above ground-floor retail and restaurant uses. The project was conditionally approved because it complies with the development standards, design guidelines, and allowed uses of the El Camino Precise Plan and conforms to City standards. A site plan of the development is shown on Figure 2 of the staff report.

ITEM 7.1 Mountain View Whisman School District Proposed Fencing

1. Are the parents and community members on the Monta Loma working group from the Monta Loma area?

Both community members live in the Monta Loma area. There are two parent representatives, one lives in the Monta Loma area and the other is from Moffet attending Monta Loma School.

2. Is the Monta Loma working group just looking at the Monta Loma school fence issue and not other schools?

Correct, the purpose of this working group is specific to Monta Loma School only.

3. How much does the city spend on MVWSD initiative and programs on an annual basis, excluding CIPs (e.g., crossing guards, after school programs, SROs, etc.)?

The City provides a number of ongoing programs such as afterschool programming, crossing guards, as well as support and educational services through Library, Police and Fire to MVWSD. Staff estimates \$3,170,000 is the annual cost of providing these programs and services.

4. On page 2, it is stated that 62.5 open space acres are owned by MVWSD. But the 2014 Parks and Open Space plan states that ([page 20, table](#)), 84.83 open space acres are neighborhood parks owned by the School District. Which of these is correct?

The Parks and Open Space Plan states that a total of 84.83 acres are owned by school districts, which is correct. This total represents 3 districts. The following are totals per district:

- MVWSD = 62.5 acres owned by district and maintained by City.
- Los Altos School District (Springer School) = 5.5 acres with minimal maintenance required by City
- MVLAHSD (Mountain View High School) = 16.83 acres with no City maintenance requirements

These total the 84.83 acres stated in the Parks and Open Space Plan.

5. Can we subtract MVWSD-owned park space from Quimby Act park space calculations and thus show more clearly how much neighborhood parkland we have? What would be the legal and practical implications of doing that?

The City could choose to not include the district-owned open space in the calculation for purposes of meeting the Quimby Act. Implications of doing so include:

- Should the City and District want to cost-share a project on District land, the City may not be able to use Park Land Dedication In-lieu Fees to pay for future improvements at these locations as we do currently.
- City park elements installed by City are located on these District properties, therefore City would not receive the benefit of keeping these areas as Open Space in calculation. These include playgrounds, tennis courts, access to trails and more.

To review this further, a study would need to be completed to review all District-owned locations and highlight those that have shared District/City boundaries. Some locations such as Whisman and Cooper have shared property lines and the City would need to further review the impacts and implications this may create, among other considerations. This study could be an element to review as part of a future update to the Parks and Recreation Strategic Plan, which will be a proposed project in the next Council Work Plan.

6. When we calculate the amount of parks/open space for the City, I recall we have two separate #'s, one includes Shoreline Park and one doesn't. What was the premise for not including Shoreline Park given that the City maintains it?

The City provides two calculations for acres per 1,000 residents in the Parks and Open Space Plan: one calculation includes the North Bayshore Area and the second does not. By providing both calculations, it highlights the significance of the North Bayshore Area when considering the open space available in Mountain View. The City is only able to achieve its citywide goal of 3 acres of open space per 1,000 residents due to the North Bayshore area and Shoreline Regional Park. This causes the North Bayshore planning area to impact the entire city totals compared to looking at the different planning areas. Because the Parks and Open Space Plan calls for a goal of 3 acres of open space per 1,000 residents for each planning area in addition to the citywide goal, there is a second calculation which removes the North Bayshore planning area. This calculation provides a more representative acreage for how each parks and open space planning area is doing since the North Bayshore area is such significantly higher.