

**McGill, Pam**

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**From:** Ali Sapirman [REDACTED]  
**Sent:** Tuesday, January 23, 2024 10:25 AM  
**To:** , City Clerk; Hagan, Lindsay; , City Manager; City Council  
**Cc:** Leslie.Woodman@hcd.ca.gov; alex.fisch@doj.ca.gov; Corey Smith  
**Subject:** HAC Comment Letter on Item 7.3: Gatekeeper Process  
**Attachments:** HAC Comment Letter on Item 7.3\_ Gatekeeper Process.pdf

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Dear Mountain View City Council and Staff,

Attached is the Housing Action Coalition's comment letter on Item 7.3: the Gatekeeper Process. Please reach out if you have any questions or concerns.

In solidarity,

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**Ali Sapirman** | Pronouns: They/Them

South Bay & Peninsula Organizer | Housing Action Coalition  
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January 23, 2024

Dear Mountain View Council and City Staff,

cc: HCD Representative Leslie Woodman and Attorney General's Office Deputy Attorney Alex Fisch

We are writing to express our concerns and recommendations regarding the proposed changes to the Gatekeeper Process in the City of Mountain View. The potential modifications, particularly the introduction of Qualifying Criteria, pose significant challenges to housing production and may conflict with the objectives outlined in the 6th Cycle Housing Element 2023 - 2031 in the following ways.

**1) Mountain View ought to have timely compliance with Housing Element Program 1.3**

Mountain View has not accepted Gatekeeper applications since 2016. In response HAC and other community groups worked closely with the city and HCD to ensure the city would resume the Gatekeeper process immediately. In response, the city committed to begin accepting applications by June 2024.

When certifying the Housing Element the city committed to the following in Program 1.3:

- f) Identify additional Gatekeeper exemptions for residential projects based on location, size, affordability and other policy goals*
  - g) Hold at least one Gatekeeper meeting per year, which may be limited to residential or residential mixed-use projects only, creating greater opportunities for project-specific rezonings*
- [Objective 6]: Create increased opportunities for project-specific rezonings through the Gatekeeper process*

**We strongly encourage the City Council to uphold its commitment under Housing Element Program 1.3, which advocates for holding Gatekeeper authorization hearings annually without further delay, as well as increasing the amount of Gatekeeper hearings. It is imperative to begin accepting applications by June 2024 to ensure alignment with the Housing Element's goals, policies, and programs.**

**2) Premature integration of Qualifying Criteria**

Staff's strong advocacy for the use of Qualifying Criteria under both scenarios, even when it's not a requirement or used to screen out projects under Option A, raises concerns



about the premature integration of criteria that may not be fully developed or ready for implementation. The city has not had enough community outreach to evaluate how the use of Qualifying Criteria would impact development.

### **A) Dual evaluation of projects causes confusion**

Even if the Council decides to proceed under the current rules (Option A), staff recommends a dual evaluation process. This involves assessing projects based on their alignment with both the current broad authorization criteria and the new Qualifying Criteria and Community Design Principles. This dual evaluation adds unnecessary complexity and may create confusion for both developers and the Council. The duplicative effort would also significantly increase the amount of work for the project sponsor as well as city staff, unnecessarily adding to the overall cost of the process.

### **B) There is not enough time to implement new Qualifying Criteria under the proposed timeline of (Option B)**

If the Council decides to implement Option B and introduce qualifying criteria immediately, it does not provide enough time for developers to prepare for the Gatekeeper. The staff report indicates that this would only cause a brief delay, however, imposing a list of new community benefits with associated costs will significantly alter projects drafted pro-formas and as such, development teams need time to determine if adding additional community benefits, that they didn't prepare for, will even pencil out.

### **C) Impact of Qualifying Criteria on Housing Costs**

The introduction of Qualifying Criteria, as currently proposed, has the potential to increase the cost burden on housing production. Piling additional costs on housing projects contradicts the goals of housing affordability and may deter much-needed development. HCD in their September 2021 comment letter specifically addresses the need for Mountain View to evaluate their high cumulative development fees, they specifically advise that for the Gatekeeper process the City should, *"add or modify programs as appropriate to ensure that the process is not a constraint on housing production"*. In response the city is making the process more complicated and adding constraints.

Staff's recommendations do not adequately address concerns about the impact on housing projects. We strongly advocate for the exemption of residential and residential mixed-use projects from the Gatekeeper process, or at least from the Qualifying Criteria. Furthermore, a streamlined process specifically designed for housing (and mixed-use with housing) projects should be considered, prioritizing the city's housing needs, as noted in Program 1.3 f.



“1.3 f) Identify additional Gatekeeper exemptions for residential projects based on location, size, affordability and other policy goals”

#### **D) Contradiction with Housing Element Program Goals from HCD**

The proposed modifications, particularly the Qualifying Criteria, will work against the goals outlined in the Housing Element Program. The lack of alignment with the recommendations from the Housing and Community Development (HCD) raises concerns about compliance with Article 10.6 of the Government Code.

“Any changes should actively support HCD recommendations and not hinder housing development”.

**In light of these concerns, we urge the City Council to support option A without the introduction of additional Qualifying Criteria to the evaluation process, and continue comprehensive outreach before integrating any Qualifying Criteria into the Gatekeeper Process. We ask that the Council does not delay the Gatekeeper, and considers exemption of residential and residential mixed-use projects from the Gatekeeper process, or at least from the Qualifying Criteria.**

A handwritten signature in black ink, appearing to read "Corey Smith".

**Corey Smith**, *Executive Director*  
Housing Action Coalition (HAC)

*Ali Sapirman*

**Ali Sapirman**, *South Bay & Peninsula Organizer*  
Housing Action Coalition (HAC)

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*The Core Companies*Staff  
Regina Celestin Williams  
*Executive Director***Via Email**

January 22, 2024

Mayor Showalter, Vice Mayor Matichak, and Councilmembers  
500 Castro Street  
Mountain View, CA 94041-2010**Re: Agenda Item 7.3 – Gatekeeper Review Process**

Dear Mayor Showalter, Vice Mayor Matichak, and Councilmembers,

Silicon Valley at Home appreciates this opportunity to express our concerns related to the recommended changes to Mountain View's Gatekeeper Process. Coming into this process we believed that there was a clear understanding and shared intent outlined in the Housing Element passed by this council and certified by the state Department of Housing and Community Development: identify additional exemptions to the current Gatekeeper process and hold hearings at least annually beginning in June, 2024. We were concerned in December when the staff direction and council action appeared to deviate from Program 1.3 on both points, and we are disappointed that neither of the options presented by staff this week will bring the city back to its commitments.

We recommend the following actions be taken:

1. Accept proposals for development under the Gatekeeper process beginning in June, 2024, under the existing rules,
2. Develop a revised process, to be approved within a reasonable timeframe to be implemented in the next Gatekeeper round, which comply with the goals enumerated in the Housing Element.

**Avoid deviation from timeline:** The Housing Element's Milestones and Timeframe under Program 1.3 explicitly state that the City committed to "begin accepting Gatekeeper applications before June 30, 2024." Adhering to the published timeline is important for predictability and the viability of proposals being developed, whereas significant delays may jeopardize these projects and be non-compliant with Mountain View's certified housing element. Unfortunately, Staff has made clear that this timeline can only be met if the existing rules are extended. We support processing the first round under the existing rules and standards.

**Streamline by adding exemptions rather than additional Qualifying Criteria that add additional barriers:** The published strategy included in the Housing Element commits to "Identify(ing) additional Gatekeeper exemptions for residential projects based on location,

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Mayor Showalter, Vice Mayor Matichak, and Councilmembers

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size, affordability and other policy goals.” We believe that the proposed new qualifying criteria do not live up to this commitment. Rather than identifying additional exemptions to the process, the proposed changes add requirements that will impose additional costs on housing projects undermining the urgent need to address housing shortages. We encourage the Council to prioritize and streamline the process for projects that include housing,

Mountain View, like other cities in Santa Clara County and throughout the bay area, faces an acute housing shortage and a crisis of housing affordability. This crisis has a profound impact on the ability of existing communities of color and working people to stay in Mountain View. The city has been a leader in the region in responding to these challenges and has committed to removing governmental constraints on housing development to further the community commitment to addressing the inequity in opportunities. These proposed reforms run counter to this commitment and to the stated goals in the Housing Element.

We recognize that it is early in the implementation process and that staff is working hard to keep up with its commitments and council direction. We are nonetheless discouraged to see this shift in direction and are hopeful that we can get back on a collaborative track.

Sincerely,



Regina Celestin Williams

Executive Director