

**SENT VIA EMAIL**

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Eric Anderson

Principal Planner
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: 02/28/2022 East Whisman Precise Plan Development Impact Fee Nexus Study Meeting

Dear Mr. Anderson:

Based on our general understanding of what the East Whisman Precise Plan (EWPP) Development Impact Fee Nexus Study (Nexus Study) may cover, thank you for the opportunity to provide our general comments to the City prior to the City's release of the Nexus Study in April. As you know, the California Mitigation Fee Act requires that City impact fees have a reasonable relationship to the impact created by new development. The following summarizes our general comments on the proposed Nexus Study.

I. Transportation Project Comments

Comments on the proposed transportation project list, cost allocation, and fee assessment methodologies are provided below.

(a) Transportation Project List Comments

- We respectfully request that the City provide a project description (scope) and an itemized cost estimate (i.e., rough order of magnitude (ROM)) for each of the transportation projects listed in the Nexus Study. Our review of this information will assist in our overall evaluation and comments to the Nexus Study and ultimately to the proposed fee levels (as it will be based on these cost estimates).
- The proposed Nexus Study project list suggests that new development will fund 100% of improvements at the Ellis Street/Fairchild Drive intersection. However, as described on Page 107 of the *Transportation Analysis for East Whisman Precise Plan* (Fehr & Peers, August 2019): "the City considers these improvements infeasible due to several considerations including right-of-way, funding constraints, the limited space under the existing bridge structure to accommodate vehicle, bicycle and pedestrian use, and a need to accommodate light rail and freight rail traffic." Therefore, improvements at the Ellis Street/Fairchild Drive intersection should be excluded from the Nexus Study project list given the City of Mountain View's recent determination that improvements at this intersection are infeasible.

- Biggs Cardosa Associates (BCA) is currently preparing preliminary design concepts and rough-order of magnitude cost estimates for the planned pedestrian and bicycle bridge across the light-rail tracks just north of Middlefield Station. ROM cost estimates generated from the BCA study should be used to inform the cost estimates assumed for the bridge project in the Nexus Study.

(b) Transportation Project Cost Allocation Methodology Comments

- Does the cost allocation methodology differ between vehicle capacity projects (e.g., intersection improvements) and multimodal transportation projects (e.g., active transportation improvements)? How is vehicle miles traveled (VMT) incorporated into the cost allocation methodology?
- The Nexus Study determines that 100% of the costs for building improvements at intersections listed in **Table 1** must be funded by new development. However, page 99 of the *Transportation Analysis for East Whisman Precise Plan* (Fehr & Peers, August 2019) concludes that new development in the EWPP area would not trigger any Level of Service (LOS) adverse effects under Existing with Project conditions on any of the intersections identified in the Nexus Study. Pages 101 - 111 of the EWPP transportation analysis do however identify LOS adverse effects due to new development under Background with Project and Cumulative with Project Conditions, which indicates that background traffic growth from new developments outside the EWPP area also contribute to the adverse effects at the listed intersections (see Table 1). Therefore, new development in the EWPP area should only be responsible for costs that bear a reasonable relationship to that development, but not 100% of the costs.

Table 1: Identified Intersection LOS Adverse Effects in East Whisman Precise Plan

ID	Intersection	EWPP Intersection LOS Adverse Effects		
		Existing with Project	Background with Project	Cumulative with Project
1	Ellis Street/Manila Avenue		✓	✓
4	Ellis Street/Fairchild Drive			✓
9	Middlefield Road/Whisman Road			✓
10	Middlefield Road/Ellis Street			✓
27	Middlefield Road/Moffett Boulevard			✓
39	Whisman Road/State Route 237 Ramps			✓

Source: *Transportation Analysis for East Whisman Precise Plan* (Fehr & Peers, August 2019)

- According to the Metropolitan Transportation Commission’s pavement condition index (PCI) database¹, the streets within the EWPP area listed below have segments that are currently rated as “Failed/Poor” and/or “At Risk”, which are considered existing deficiencies. Under the Mitigation Fee Act and California judicial authority, existing deficiencies cannot be covered under development impact fees. As such, the development impact fee cost allocations attributed to new development for improvements along these streets should exclude the costs of repaving the segments (existing deficiencies) with an existing PCI less than 60 (categorized as “Failed/Poor” or “At Risk”).
 - Middlefield Road
 - North Whisman Road
 - National Avenue
 - Ellis Street
 - Clyde Court
 - Logue Avenue
 - Clyde Avenue
 - Ravendale Drive
 - Maude Avenue
- The cost allocation methodology should apply cost adjustments for residential and retail uses given that both uses are anticipated to increase trip internalization (and reduce vehicle trips) generated by new development within the EWPP area. This is another reason why VMT should be incorporated into the cost allocation methodology as increased housing near jobs and more locally-serving retail near housing are expected to reduce average vehicle trip lengths for residential and retail uses (with a corresponding reduction in local VMT per capita).
- As described on Page 1 of the *Transportation Analysis for East Whisman Precise Plan* (Fehr & Peers, August 2019), the EWPP assumes that 2,200,000 GSF of existing office/R&D/industrial space will be re-built and occupied as new office space. Page 91 of the EWPP states that new and rebuilt office space will be subject to peak hour vehicle trip caps. Given that existing office/R&D buildings generate substantially higher peak hour vehicle trips than forecasted trip rates for future rebuilt offices subject to the EWPP cap, how are existing trip credits accounted for in the cost allocation methodology?

(c) Transportation Project Impact Fee Assessment Comments

- Existing building square footage to be demolished and rebuilt should not be assessed a fee if the building has been occupied within five years prior to the date in which the fee is assessed, consistent with Mountain View’s Municipal Code provisions on Citywide Transportation Impact Fees, which apply to “new development [that] generates additional residents, employees, and structures,” and for which Mountain View credits “existing land uses being replaced or demolished.” (Mountain View Municipal Code, Sec. 43.3.b, 43.4.b.5.) Furthermore, the fee must also account for the difference in vehicle trips generated by existing buildings vs. future re-built buildings subject to the EWPP trip cap.
- The EWPP Development Fee Program should provide the flexibility to assess transportation impact fees for new developments based on the two methodologies listed below. The lowest transportation impact fee assessed between Method 1 and Method 2 should be the fee required for a new development application. Specifically, new developments that propose implementation of effective TDM programs that reduce vehicle trip generation below trip rates assumed in the Nexus Study should pay discounted transportation impact fees.

¹ Website: <https://www.vitalsigns.mtc.ca.gov/street-pavement-condition>

- **Method 1 (Trip-Based Method):** assess fee based on the net-new peak hour vehicle trips generated by new development according to a trip generation study of the project. Method 1 incentivizes new developments to implement effective TDM programs to reduce vehicle trips, which supports the City’s sustainability goals and the East Whisman Precise Plan’s goal of minimizing vehicle trips.
- **Method 2 (Unit-Based Method):** assess fee based on net-new dwelling units (or per square-foot) for residential uses and per net-new square-foot for non-residential uses.

II. Recycled Water Project Comments

- The Project team looks forward to reviewing the Recycled Water Master Plan and will evaluate impact fees for proposed projects at that time.

III. Sanitary Sewer Infrastructure Project Comments

- Easement Between Ellis Street and B Street - the EWPP Utility Impact Study (UIS) identifies line 1377 as “Additional Recommended Capital Improvement Project (CIP)” on Figure B-16a but is not a recommended CIP on other figures in the Appendix (e.g. Figure B-15a). Can you please clarify the difference in this particular classification in the report versus “Recommended CIP”? Additionally, this section of sewer main was identified as “deficient” in the existing condition which would suggest that this CIP would be funded through both Existing and New Development Impact Fees.
- Ellis Street North or East Middlefield Road - Per the EWPP UIS, two pipe segments are identified as being upsized as part of a previous CIP. The linear footage associated with this CIP should be 396 LF, not 1,083 LF as currently indicated in the Fee Study.

We look forward to reviewing the EWPP Nexus Study when it is released in April.

Sincerely,



Michael Tymoff
Director, District Development
Google LLC

Cc: Renee Gunn, Senior Civil Engineer, City of Mountain View
Lindsay Hagan, Deputy Zoning Administrator, City of Mountain View