



October 24, 2022

Re: Item 6.1 – Mixed-Use Development at 334 San Antonio Road

Dear Mayor Ramirez and Members of the City Council:

The LWV supports expanding middle-income housing while not diminishing attention to low-income housing needs. The LWV also believes that housing should be built with amenities that will encourage economic integration within apartment buildings as well as within neighborhoods.

We concur with staff and EPC that Option 2 (5 1BR/ 5 2BR) seems more preferable than Option 1 (11 1BR/ 2 2BR) as there is demand for larger BMR units, with bedroom count held constant. That said, while we are in support of this project as it would be more productive than the existing gas station, we have some concerns with the City and applicant regarding the density bonus concessions.

We are concerned about the BMR units not being equitably distributed and not proportional to the overall bedroom mixes as that is counter to integration among different income groups. We understand the density bonus focuses on units rather than bedrooms and that the applicant has provided the evidence regarding effects on economic feasibility. As such, we would like for future projects that the city and applicants be able to come up with more appealing alternative concessions, such as greater height that goes farther than just “physically precluding.”

With regards to the concession on weighted AMI, we believe that the city’s ordinance is too strict, especially given that the rental equivalent is the more flexible “less than or equal to.”

We would be in support of the 7-story proposal as well, given that the additional height matches the apartments next to this project and that more units are always desired.

(Please send any questions about this email to Kevin Ma at housing@lwvlamv.org)

Thank you for considering our input.

Karin Bricker, President of the LWV of Los Altos-Mountain View

cc: Rebecca Shapiro Aarti Shrivastava Kimbra McCarthy



10/25/2022

Mountain View City Council
500 Castro St.
Mountain View, CA 94041

city.council@mountainview.gov

Via Email

Re: 334 San Antonio Rd
148-15-020

Dear Mountain View City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project proposes to replace a gas station with a 63 unit condominium building, with one story of underground parking. The project includes 13 units of affordable housing, with ten units at the Low Income level and three at the Moderate Income level.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

Sonja Trauss

Sonja Trauss
Executive Director
YIMBY Law

From: [Daniel Hulse](#)
To: [City Council](#)
Subject: Agenda Item 6.1
Date: Tuesday, October 25, 2022 12:48:00 AM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear City Council,

I am writing in support of the mixed-used development at 334 San Antonio Road. The main reason this project deserves hasty approval is that rapid approval of infill projects like this is one of the main levers we have to build more housing supply in our city—a crucial part of alleviating the housing crisis. Additionally, because this project takes advantage of the state density bonus, it will additionally result in the construction of several affordable units. And while seven units does not seem like a big number, it is seven more than were previously at the gas station.

Additionally, as a neighbor to this project (it is quite literally on my block), I also support this project because it improves the character of my neighborhood. Aesthetically, the building fits in with the other buildings on the street and helps build out the growing San Antonio neighborhood into Mountain View's "second downtown." I also appreciate the inclusion of a commercial unit, which creates opportunities for restaurants or other businesses which could enrich the Del Medio neighborhood. Additionally, as a cyclist who regularly rides my bike in this area, I appreciate that (1) the building will reduce the frequency of vehicles traveling in and out of the parcel through the bike lane and (2) the developer is building dedicated convenient parking for bicycles.

To close, I am proud that my neighborhood is one of the few areas in Mountain View to substantially increase its housing stock over the past 10 years, and I hope this trend continues. While I'm sure there are many considerations to discuss, I hope that the council can reach an outcome that results in the project moving forward quickly.

Sincerely,

Daniel Hulse



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Suite 600
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlgal.com

Bryan W. Wenter, AICP
Direct Dial: 925 941 3268
bryan.wenter@msrlgal.com

October 25, 2022

VIA E-MAIL

Mayor Lucas Ramirez
City of Mountain View
500 Castro Street
Post Office Box 7540
Mountain View, CA 94041
E-Mail: Lucas.Ramirez@mountainview.gov

Re: Agenda Item 6.1
Mixed-Use Development at 334 San Antonio Road

Dear Mayor Ramirez and Honorable Councilmembers:

On behalf of our client, 334 San Antonio LLC, we write to briefly explain the City Council's authority to support a seven-story, mixed-use housing development project at 334 San Antonio Road in Mountain View instead of the originally-proposed five-story version of the project.

As explained in your October 25, 2022, staff report, the originally-proposed project has a base density of 41 units and includes 10 low-income units (24), making it eligible for a 50% density bonus under the state Density Bonus Law, for a total of 62 units. For reasons explained in their October 20, 2022 letter to the City Council, our clients hope the Council will exercise its authority to support a slightly taller and denser project, in exchange for 14 low-income units (34%), and an additional \$1,368,000 in park-in-lieu fees and \$732,900 in public benefits.

As you may know, the Density Bonus Law provides that a local ordinance may allow a city to grant a density bonus greater than the minimums established in state law. (Gov. Code § 65915(n)). The City's density bonus ordinance contains such a provision, which provides as follows:

Pursuant to Section 65915(n) of the State Density Bonus Law, one hundred (100) percent affordable developments that receive authorization (and reservation of funding allocation) through the notice of funding availability (NOFA) process are eligible for density increases greater than those prescribed by State Density Bonus Law, if they meet the requirements thereof.

The City's greater density bonus provision plainly does not apply to the project given the provision's threshold 100% affordability requirement and the project's 24% affordability. However, the City could readily revise this provision to give it greater flexibility. For example, the provision could simply and quickly be revised to read as follows:

Pursuant to Section 65915(n) of the State Density Bonus Law, housing projects that exceed the BMR percentage requirement of Article XIV of the Mountain View Code are eligible for density increases greater than those prescribed by State Density Bonus Law, if they meet the requirements thereof.

Even without revisions to that provision of the Mountain View Code, however, the City still has the authority to support the requested height and density of seven-stories and 90 units for the following reasons.

Here, the applicable Mixed-Use Corridor general plan land use designation contains an objective development standard allowing Floor Area Ratios of up to 1.85 and heights of up to 4 stories and 6 stories for projects above 1.85 FAR. The land use designation estimates the "approximate" number of dwelling units per acre and number of residents per acre. The City's general plan expressly regulates intensity but not density:

This Element shows how land is used now, discusses forward-thinking land use principles that will shape future planning decisions and outlines allowable uses and intensity of development for each parcel of land.
(General Plan Land Use Element at p. 37).

This is confirmed by the City's staff report, which explains that the Mixed-Use Corridor land use designation regulates FARs and heights.

The state Density Bonus law expressly defines "development standards" to include FARs:

"Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.
(Gov. Code § 65915(o)(1)).

And, as you know, the Density Bonus Law also allows developers to seek and obtain waivers or reductions of development standards of projects, with the incentives or concessions allowed by the law, merely by providing on-site construction of qualifying amounts of affordable housing. (Gov. Code § 65915(e)). In addition, the Density Bonus Law is required to "be interpreted liberally in favor of producing the maximum number of total housing units." (Gov. Code § 65915(r)).

Thus, in short, the applicable Mixed-Use Corridor general plan land use designation objectively regulates floor area ratios, which the Density Bonus Law expressly allows to be waived for development projects such as this that will provide qualifying amounts of on-site affordable housing. Accordingly, regardless of the current provisions of the City's density bonus ordinance, the City Council has the authority under state law to approve waivers of the applicable FAR and height for this project, and the act of doing so would produce the maximum number of total housing units on this site.

Sincerely,

MILLER STARR REGALIA

Bryan W. Wenter

Bryan W. Wenter, AICP

BWW/kli

cc: Kimbra McCarthy, City Manager
Jennifer Logue, City Attorney
Heather Glaser, City Clerk
Mircea Voskerician