

Stephen A. Finn
Principal and Founder
RE Management, LLC
160 Bovet Rd., Suite 408
San Mateo, CA 94402

City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: Draft East Whisman Precise Plan - Support for Suggested Modifications and Additional Requests

Dear Mayor Matichak and City Councilmembers:

My name is Stephen Finn and I own the two contiguous properties located at 325 E. Middlefield Road and 265 and 275 N. Whisman Road on the southeast corner of E. Middlefield Road and N. Whisman Road that are currently occupied by IGM Biosciences. While these properties are currently subject to long-term leases, I have been following the City's progress on the East Whisman Precise Plan and am excited about the Plan's potential to facilitate the creation of a new sustainable transit-oriented neighborhood and employment center. I would like to thank you and City staff for your vision and commitment to moving the Plan forward.

The purpose of this letter is to express my support for previously recommended improvements to the Plan provided by the development community, and to briefly touch on three specific topics that I believe would benefit from your further consideration and guidance as you continue to review the Plan: (i) development of design guidelines that would allow flexible solutions to address planning goals (and specifically more flexibility with respect to height limits along the "Whisman Road Transition Area"), (ii) an FAR exemption for residential parking, and (iii) clarification as to whether prevailing wages would be a standard requirement as opposed to a goal that is encouraged, but not mandatory.

1. **Request for Flexibility to Achieve Planning Goals in the Whisman Road Transition Area**

My property is located in the mixed-use character area and is subject to the medium intensity and "Whisman Road Transition Area" standards, which as currently drafted applies a 55' height limit within the area that extends 50' from the "planned inside edge of the public sidewalk." While I understand the planning rationale for limiting heights along Whisman Road to provide for buildings that are "stepped down" relative to the adjacent residential neighborhoods, I am concerned about this height limit, in part, because my corner parcel is not located across from residential uses and is already buffered from the nearest residential neighborhood. For that reason, I would request that the City exempt that corner location from the 55' height limit, or alternatively consider allowing for more flexibility in the planning process in lieu of a specific height limit.

Specifically, I would encourage the City to consider an alternative approach that relies less on rigid height limits and instead provides a framework for project sponsors to work directly with City staff to achieve the same policy goals using greater architectural variation. One-size-fits-all standards run the risk of precluding superior design, and I am confident that a policy oriented to respecting the neighborhood transition with appropriate design and articulation could achieve even better design outcomes than reliance on a strict 55' height limit.

2. Request for FAR Exemption for Residential Parking

Under the general floor area and floor area ratio standards section of the Plan, above-grade parking is not included in the calculation of non-residential FAR; however, above-grade parking is factored into the calculation of hotel and residential FAR. As you know, parking can take up a significant amount of area on a property, which, if included in FAR calculations, could severely limit a project's size or render a project economically infeasible. This is particularly problematic for smaller properties and especially for properties that are contemplated to be subject to lower height limits, such as mine.

I acknowledge that a lot of work and analysis has already gone into developing the Plan and that changing certain assumptions would require additional expenditures and time. But I respectfully think the Plan would be more effective if all parking were treated as exempt from FAR limits.

3. Request for Clarification Regarding Wage Requirements

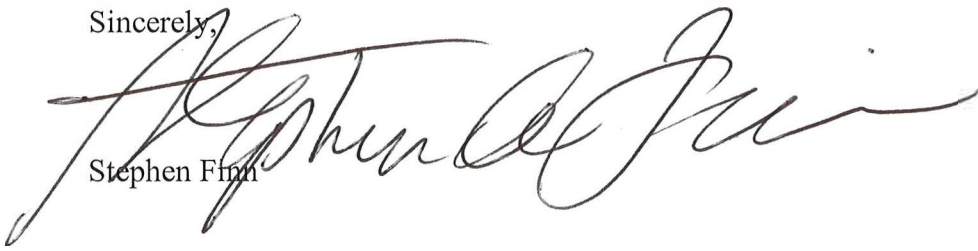
It is my understanding that Bonus FAR projects are "encouraged" to use the local workforce and local businesses for sourcing, as well as provide "area standard wages." The Plan does not appear to provide a definition of "area standard wages," so it's unclear whether the City intends to require that new development provide something akin to prevailing wage or a different standard. While I absolutely support compensating workers appropriately, especially in a region with a high cost of living, I believe that prevailing wage requirements may not make sense for every project and would therefore appreciate clarification as to whether this is a policy objective as opposed to a plan requirement.

Finally, with respect to the broader policy issues that have been raised by other developers and interested parties throughout the process, I support the positions and recommendations outlined in the letter signed by Google, Miramar Capital, Prometheus, Sand Hill Property Company, The Sobrato Organization, and SummerHill Housing Group, dated June 5, 2019, concerning the local school strategy/community benefits, character areas and unit mix, development standards, parks and open space, and the jobs/housing linkage, among other topics.

The City has an incredible opportunity to spur much-needed redevelopment in the East Whisman area. I applaud the City's vision for East Whisman and its genuine attempt to address the many challenges facing Bay area cities when it comes to housing, traffic, and the jobs/housing imbalance. While the Plan will not solve all of the region's problems, it is a good step forward and I believe staff has done an outstanding job. With a few additional tweaks, I believe the Plan will allow property owners like myself to invest in the improvements the City is anticipating.

Thank you for your time and consideration. I look forward to your approval of the Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Finn". The signature is fluid and cursive, with a large initial "S" and "F".

Stephen Finn



June 27, 2019

Eric Anderson
Project Planner
City of Mountain View
500 Castro Street,
Mountain View, CA 94043

Re: Draft East Whisman Precise Plan

Dear Eric,

We write in reference to the City's draft East Whisman Precise Plan that was released in April 2019. Firstly, we would like to acknowledge the City's engagement with both Google and the broader East Whisman developer group in working with us collectively to listen to our feedback and suggestions on the draft Plan over the past several months. We appreciate that many of our collective concerns have been addressed in the latest version of the draft Plan that was released on September 20, 2019. Secondly, as discussed in our recent conversations, we have some outstanding concerns regarding the draft Plan's master planning requirements.

The draft Plan requires an applicant to submit a master plan prior to submitting a Planned Community Permit application if the land subject to the application is within the Village Center or the Neighborhood Park Master Plan Area. The draft Plan also outlines five scenarios in which the City could encourage an applicant to submit a master plan, but the master plan is not mandatory. The submittal and review process is the same for both mandatory and optional master plans - refer to section 6.3.2(3-7) of the draft Plan.

We understand that the master planning process affords the City the opportunity to review such projects at scale, consider holistic urban design, planning and transportation solutions, and secure community benefits. However, our concern is regarding section 6.3.2(7) of the draft Plan, which states that "*approved master plans do not confer rights to square footage in the Development Reserve*".

As the City is aware, the timeframe to prepare, submit, review, and have a master plan considered by the City Council can be in the order of 18+ months, and requires significant resources (both by the applicant and City staff) and financial investment. However, if an approved master plan does not secure square footage from the Development Reserve, there is no "entitlement". Accordingly, it does not provide an applicant with the certainty they need to progress with detailed design and entitlements.

In light of the above, we would welcome the opportunity to work with staff on alternate language to address the City's concern that if an approved master plan is not acted upon it doesn't lock down square footage indefinitely, while also providing certainty to the applicant in being able to deliver on their plan long-term.

While not identical, we would propose as a starting point using the language in the North Bayshore Precise Plan in the Bonus FAR context, whereby an approved master plan is in effect allotted development reserve square footage for a limited period of time. If the development does not proceed, that allotment would expire and the square footage would return to the development reserve. That said, as projects of this scale can take many years to be ultimately delivered, we would also request that such language allow for an applicant to request extensions that account for factors such as, but not limited to, force majeure and market cycles.

As always, we welcome the opportunity to further discuss with the City opportunities to revise the draft Plan to ensure it provides feasible mechanisms that facilitate the City's vision becoming a reality.

Sincerely,

Michael Tymoff

Michael Tymoff
Real Estate District Development Director - Mountain View
Google

Cc: Aarti Shrivastava, Assistant City Manager/Community Development Director
Martin Alkire, Principal Planner, Community Development



October 1, 2019

Via email: epc@mountainview.gov

Environmental Planning Commission
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: Draft East Whisman Precise Plan

Dear Chair Baird, Vice Chair Cox and Commissioners:

Thank you for the opportunity to submit comments on the Final Draft East Whisman Precise Plan. As you are aware, in June 2018, SummerHill submitted applications to develop approximately 460 new residential condominiums and apartments on a 6.0-acre site at 355 – 415 E. Middlefield Road, located within the Precise Plan area. Since then, SummerHill has been working closely with Staff to revise and refine the project to conform to the Precise Plan.

We appreciate that the draft plan has evolved, but we want to highlight several items that still pose a substantial challenge for development in the plan area — particularly for residential development.

Support Residential LASD TDR Projects

The Jobs-Housing Linkage strategy is essential to the success of the Precise Plan, because it encourages commercial developers to partner with residential developers so that job creation does not outstrip the construction of new homes. The Vision chapter of the Precise Plan states: “Jobs-Housing Linkage: The Plan expects office development to facilitate the creation of new residential neighborhoods, supporting balanced growth.” (Page 29 (emphasis added).) Similarly, the Implementation chapter states: “[R]esidential development may maintain rights to demolished office, R&D or industrial floor area The purpose of this program is to provide residential developers an additional marketable asset to facilitate housing development.” (Page 184 (emphasis added).)

We respectfully disagree with Staff that the Council has previously decided that Jobs-Housing Linkage credit is not available for the two residential LASD TDR projects. On the contrary, at the Study Session on May 7, 2019 the Council acknowledged that residential LASD TDR projects would be allowed to partner with office developments, but only with office developments from the group of LASD TDR projects.

The residential LASD TDR projects must be allowed to control the credits for both the jobs-housing ratio (1,000 commercial square feet per 3 residential units) and the Floor Area Transfer in order for the residential

LASD TDR projects to be economically viable. If the Precise Plan exempts the commercial LASD TDR projects from both the jobs-housing ratio and the Floor Area Transfer, the Precise Plan would flip the Jobs-Housing Linkage strategy on its head, because the residential projects would be subsidizing the commercial projects.

If the Precise Plan does not allow the residential LASD TDR projects to control the value of their jobs-housing credits or their Floor Area Transfer, the City must step in to fill the gap that the Precise Plan has created. Otherwise, the City risks jeopardizing the residential LASD TDR projects that are essential to the jobs-housing balance in the Precise Plan area.

To avoid jeopardizing the viability of the residential LASD TDR projects, we respectfully request that the Precise Plan be revised to include the following provisions:

- Revise section 6.1.4(5)(c) to state that the residential LASD TDR projects may deduct any existing office, R&D or industrial floor area demolished on the site from the Below-Market-Rate Housing Program, the determination of community benefits contribution and the local school district strategy.
- Revise section 6.1.4 to state that the City shall reduce or waive fees for the residential LASD TDR projects to offset the allocation of Jobs-Housing Linkage credits to the commercial LASD TDR projects.

Together, these revisions will support the LASD TDR program without sacrificing the jobs-housing balance in the Precise Plan area.

Provide Adequate Building Height for Podium Buildings

Within the Mixed-Use Character Area, the draft plan limits building height to 10 feet per story plus 20 feet. (See Section 3.4, page 74.) While this limit might be appropriate for 1- to 3-story buildings, it does not allow for the additional plate heights and roof structures that are needed for podium construction. In addition, the proposed height limit does not take into account the varying difference between the elevation of the building pad and the elevation of the adjacent public street.

We request that for buildings that are four stories or taller, the Precise Plan allow buildings to be up to 10 feet per story plus 30 feet (instead of 20 feet), in order to allow the taller ceiling heights that are desired for lobbies, amenity spaces and retail space at the ground level, as well as elevator towers and stair towers at the roof level.

In addition, the Precise Plan should define building height as being measured from the average base of the building, rather than from the top of the curb at the adjacent public street. The difference in elevation between the base of the building and the top of curb could be as much as 6 – 10 feet on some sites in the Precise Plan area, such as SummerHill's site at 355 – 415 E. Middlefield, which has a drastic impact on the building height.

Flexibility in Street Design Standards

The Street Design Standards should allow more flexibility to address project-specific issues and context, particularly for private on-site Service Streets (see Table 28). We appreciate that the Precise Plan includes a formal process for requesting exceptions (Section 6.2.3), but several Councilmembers have expressly stated that they do not want to see projects in the Precise Plan area that require exceptions. In light of this, we

request that the Precise Plan be revised to state that the Street Design Standards for Service Streets are guidelines, not requirements, and that the dimensions of Service Streets may vary from the guidelines to address site-specific or project-specific considerations.

For example, Table 28 calls for a minimum 65-foot building-to-building separation for buildings without “active priority frontage.” While a 65-foot building-to-building separation requirement might be appropriate between two 7- or 8-story buildings, it is excessive where one or both of the buildings is only 3- or 4- stories tall.

The purpose of the building-to-building separation standard is to avoid the creation of tight corridors — the “canyon effect.” However, the canyon effect decreases as the height of the buildings decreases. As such, building-to-building separation should vary based on the height of the buildings, not a one-size-fits-all requirement. For example, at the Study Session for SummerHill’s project at 355 – 415 E Middlefield on June 19th, the EPC agreed that a building-to-building separation of approximately 55 feet would be appropriate between a 4-story building and 7-story building.

Similarly, the Street Design Standards should allow more flexibility for design elements such as the width of landscape strips and sidewalks, the placement of private street trees, and the separation between walkways and property lines, particularly for on-site Service Streets, Paseos and Multi-Use Paths.

Again, we appreciate the opportunity to provide these comments on the Final Draft East Whisman Precise Plan. In addition to the issues and recommendations outlined in this letter, we are working directly with Staff to address several other important issues. We hope to resolve those issues prior to the City Council hearing on November 5th.

Thank you.

Sincerely,



John Hickey

Director of Entitlements and Planning

CC: Aarti Shrivastava, Community Development Director
Eric Anderson, Senior Planner
Katia Kamangar, Executive Vice President/ Managing Director
Kevin Ebrahimi, Senior Vice President, Entitlements and Planning

October 2, 2019

VIA Electronic Mail

Pamela Baird, Chair
And Members of the Environmental Planning Commission
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Dear Chairperson Baird and Members of the Environmental Planning Commission:

As you may know, Miramar Capital (Miramar) is seeking entitlements for a multi-family residential project located at 400 Logue Avenue (Project). The Project is located within the East Whisman Precise Plan (EWPP) area in the Mixed Use Character Area at the intersection of Logue Avenue and Maude Avenue within ¼ miles of the Middlefield VTA station. The Project proposes approximately 380 units, including both rental and for-sale product to diversify the City of Mountain View's (City) housing stock.

The Project has been undergoing planning review under a Gatekeeper Application authorized by the City Council on May 22, 2018. The Gatekeeper Application acknowledged that Miramar had signed a Letter of Intent (LOI) with the Los Altos School District (LASD) to acquire an additional 72,000 square feet through the Transfer of Development Rights (TDR) process.

We have reviewed the agenda materials associated with the Environmental Planning Commission's (EPC) consideration of the EWPP on Wednesday and we are gravely concerned about the EWPP's treatment of residential TDR projects relative to all other residential projects in the area. This direction creates a major economic disincentive and disadvantage for residential TDR projects by eliminating the ability of residential TDR projects to transfer existing commercial floor area and allocate their housing units to a commercial development of their choosing - rights afforded to all other residential projects in the EWPP pursuant to the Jobs-Housing Linkage Strategy. As we understand the state of play, the City Council exempted the LASD TDR projects from the Jobs-Housing Linkage Strategy in May and, instead, grouped the projects together. Based on this City Council direction, "a Jobs-Housing Linkage credit is not available from the two housing projects (355 to 415 East Middlefield Road and 400 Logue Avenue) since their credit is being used by the other office projects." (Staff Report, page 8). This is contrary to the policy and goals described in the Administrative Guidelines for the East Whisman Precise Plan Jobs-Housing Linkage Program (Exhibit 6, Attachment A).

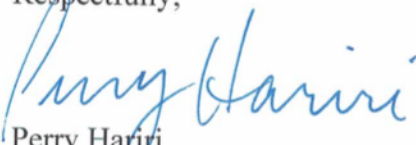
Consequently, our Project is not receiving the same incentives for providing much-needed residential units and removing commercial square footage as other non-TDR residential projects in the EWPP. Residential projects in this market need incentives and subsidies in order to be economically viable relative to commercial projects; therefore, we are shocked that our TDR Project is now at a major economic disadvantage compared to the non-TDR residential projects in the EWPP, those which enjoy the market incentives set forth in the EWPP Jobs-

Housing Linkage Strategy. In addition to this major disadvantage, the uncertainty relative to park fees, community benefits, and the school strategy requirement create further layers of risk and disincentive that harm the economic viability of the Project.

Given this unequal treatment of the TDR residential projects in the EWPP, we will need to consider cancelling our LOI with the LASD, unless we can work with the City and the LASD to establish a level playing field. If we cannot establish a path forward with this equal footing, we will need to proceed with our Project as a non-TDR residential project, upon the adoption of the EWPP, which will allow us to avail ourselves of the Jobs-Housing Linkage Program Administrative Guidelines and allocate our housing units and transfer our existing commercial square footage to commercial projects of our choosing that make our Project financially feasible. If this outcome is an unintended consequence of the City Council's directive, then we hope the EPC will consider a corrective course on Wednesday evening.

We remain excited and focused to bring forward much needed residential units in close proximity to transit with high sustainability standards and affordable housing. We hope we can work with the City and the LASD to make this happen.

Respectfully,



Perry Hariri

cc: Aarti Shrivastava, Assistant City Manager/Community Development Director
Rebecca Shapiro,, Deputy Zoning Administrator
Eric Anderson, Senior Planner
Margaret Netto, Planner
Jeffrey Baier, Superintendent, Los Altos School District