

From: [Dennis Martin](#)
To: [City Council FORWARD](#)
Cc: [, City Clerk](#)
Subject: City Council Meeting 2.8.22, Item 6.1, 555 W. Middlefield
Date: Tuesday, February 8, 2022 11:39:56 AM
Attachments: [BIA MVCC 2.8.22 Item6.1 555WMiddlefield.pdf](#)

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

Greetings Honorable Mayor Ramirez and City Councilmembers,
On behalf BIA Bay Area, I respectfully submit that attached letter of comment regarding the proposed housing project at 555 W. Middlefield Road. Please consider these comments during your deliberation of the Project. Should you have any questions or concerns please do not hesitate to contact me.

Thank you,

Dennis Martin

BIA Government Affairs

408-499-2739





BUILDING INDUSTRY ASSOCIATION

1000 Burnett Avenue #340
Concord CA 94520
dmartin@biabayarea.org

February 8, 2022

Hon. Mayor Lucas Ramirez
Hon. Members of the City Council
City of Mountain View
500 Castro St. Mountain View, CA 94041
TRANSMITTED VIA EMAIL

RE: City Council meeting 2.8.22 Item 6.1 Residential Development Project at 555 West Middlefield Road

Dear Mayor Ramirez and City Council Members,

The Building Industry Association of the Bay Area (BIA) respectfully requests that the Council completely disregard demands made by labor unions to unfairly condition the Council's approval or to deny the proposed housing project at 555 W. Middlefield Road (Project). The demands constitute an 11th hour "late hit" regarding project labor practice and must be ignored.

The Project proponent has clearly gone above and beyond requirements by the City to build housing through an entirely reasonable approach to infill development. The Project has been under review for nearly 6 years. But at the January 5, 2022 EPC hearing on the Project, labor representatives requested that the City condition the Project approval on meeting certain labor agreements. Staff testimony at the EPC hearing was significant; at no time was the City contacted regarding labor practices during the years of processing of the Project.

If the Council should decide to condition approval or to deny the project based on labor's demands, it would send a terrible message to the State Department of Housing and Community Development (HCD). Such action would implicate the ability of the City to get HCD housing element certification because the City's permit approval process itself may be found to be a governmental constraint.

According to HCD and State law, cities must have a development process that is fair, transparent and provides certainty to project proponents. The proposed Project has clearly complied with all requirements of the City's Gatekeeper process since filing a formal GP Amendment and Rezoning application over 5 years ago. Numerous meetings with the Council, EPC, and surrounding community were conducted.

BIA contends that now requiring local hire, prevailing wage, and union apprenticeships would constitute an onerous condition of approval dropped on a project at the last minute and would undermine the integrity of the planning process, potentially opening the City to scrutiny from HCD.

Here is the pertinent HCD policy to which the City must adhere for Housing Element certification:

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures...”

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

Requisite Analysis

- *Describe and analyze the types of permits, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district.*
- *Describe and analyze the total permit and entitlement process for a typical single-family unit, subdivision, and multifamily project. Description should include typical processes required for single-family and multifamily projects and an estimate of total typical time necessary to complete the entitlement process.*
- *Describe and analyze the permit requirements and process for emergency shelters, transitional housing, supportive housing, single-room occupancy units, and farmworker housing.*
- *Describe and analyze all permits applicable to residential development, including conditional use permits and additional mechanisms that place conditions and performance standards on development (e.g., community plan implementation zones, hillside overlay zones, environmentally sensitive areas, etc.). For example, if the jurisdiction requires a conditional use permit for multifamily housing in a multifamily zone, the element should analyze this permit procedure as a constraint.*
- *In the case where discretionary approval from the local legislative bodies is required for permitted uses, the element should describe how the standards of decision-making promote development certainty.*
- *Describe and analyze other applicable regulations and processes such as design review and planned unit development districts.*

If the jurisdiction has a design review process, the element should describe and analyze review-approval procedures and decision-making criteria. The analysis could also indicate whether objective standards and guidelines exist to allow an applicant for a residential development permit to determine what is required in order to mitigate cost impacts.

The housing element should also describe the typical processing time and procedures of a residential, planned-unit development, from the “preliminary review” process to final approval by the governing board, and how development standards (e.g. setbacks and minimum lot area) and allowable densities are determined for the planned unit zone.

BIA requests that the City reject all calls or pressure to respond to 11th hour demands from labor unions or any other entities that seek to impose conditions of approval that would be dropped on a project at the last minute. Protecting the transparency, integrity and fairness of the planning and development process is vital to the City's housing goals and is enforced by State law.

Yours truly,

Dennis Martin

Dennis Martin
BIA Bay Area

From: [REDACTED]
To: [City Council FORWARD](#)
Subject: 555 West Middlefield
Date: Tuesday, February 8, 2022 1:06:56 PM

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Hi,

I am a resident at [REDACTED] Cypress Point Drive and I would like to record my opposition to the proposal that is up for consideration at tonight's council meeting. Item 6.1 Residential development Project at 555 West Middlefield.

My objections to the project center mainly on two areas:

1. The increase in the density of the housing on a narrow dead end road. Adding 111 additional units will create significant traffic congestion, increase safety risks and adversely impact the lives of the existing residents in the neighborhood.
2. The proposals to remove the urban forest and heritage trees will have a major impact on pollution, noise and health of current residents.

I am not opposed to the site being developed but feel that the current plans are driven by the goal of cramming as many units into the space as possible regardless of the impact it has on the neighborhood and the residents.

I know that proposals outlined in the Environment impact assessment suggested alternatives to damaging the environment and minimizing the impact (e.g. No block C) but it seems these have been rejected in favor of making money.

Please record my objection to the project, which I know is opposed by a large number of the residents on Cypress Point Drive.

Thanks

Lloyd Dunckley
[REDACTED] Cypress Point Drive.

From: [Dylan O'Connell](#)
To: [City Council FORWARD](#)
Subject: Item 6.1 555 West Middlefield: Unequivocal support for the project
Date: Tuesday, February 8, 2022 1:35:45 PM

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Dear City Council,

I am writing to express my strong support for the proposed project at 555 West Middlefield Road. I'm a Mountain View resident who regularly passes by the site on my morning run to the Stevens Creek trail. In particular, it's a fantastic location for new housing, as it's within walking distance of the trail, CalTrain, and the delights of downtown Mountain View.

I am proud to live in this great city of Mountain View, but my one great disappointment with this city is its deep failure to build more housing. Mountain View cannot claim to stand for inclusion, while only allowing the financially privileged (like myself) to live here.

If there were *other* equally promising housing options in the pipeline, I would be open to the concerns raised by others. However, I have tracked this closely, and there are vanishingly few viable projects even being considered, and almost none are as well thought through as this one. We cannot simply wait for the next option. This excellent project has already been held up for *6 years*. This sort of delay makes building anything but the most luxury housing almost impossible.

If this project fails, I will be deeply disappointed in this otherwise great city that I call home. If Mountain View wants to stand for inclusion, it needs to actually do the work and make space for others. Otherwise, that talk is cheap.

Sincerely,
Dylan O'Connell, Mountain View Resident

From: [Rachel Perry](#)
To: [City Council FORWARD](#)
Subject: Save our Redwoods
Date: Tuesday, February 8, 2022 1:37:51 PM

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Yes I do want to save Our Huge Redwood #179 & other Heritage Trees!
My health versus the significant health effects the development is planned to cause are of grave concern.
Please acknowledge my opinion to keep our Trees!!

Best Regards
Rachel Perry
■ Cypress Point Drive
Mountain View CA 94043

From: [Maya Briones](#)
To: [City Council FORWARD](#)
Cc: [Catherine Martineau](#); [Holly Pearson](#); [Christie Galitsky](#); [, City Manager](#); [Marchant, John](#); [Sylvia, Brenda](#)
Subject: Proposed Legislative Platform Comments
Date: Tuesday, February 8, 2022 2:04:37 PM
Attachments: [Canopy Comments Mountain View Legislative platform version #2 letterhead.pdf](#)

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Hello,

I am the Advocacy Associate for Canopy, a local urban forestry nonprofit that plants and cares for trees in midpeninsula communities. I have three of my colleagues cc'd here: Catherine Martineau, Executive Director, Christy Galitsky, Senior Director of Programs, and Holly Pearson, our Advocacy Committee chair.

Attached is a letter with our comments regarding the city's proposed legislative platform. Please share this letter with the city council for the February 8th council meeting.

Thank you!

Best regards,

--

Maya Briones (she/her)

Advocacy Associate

cell: 669-250-4128

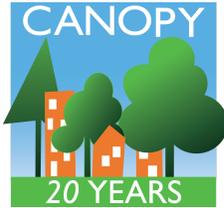
email: maya@canopy.org

Working Part-time Remotely M-F

Please note that I work part-time and may not respond to emails right away.



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City of Mountain View
Proposed 2022 Legislative Platform
Canopy's Comments Related to Trees
2-8-2022

February 8, 2022

Re: Agenda Item #4.3 Adoption of Legislative Platform for 2022

Dear Mayor Lucas Ramirez, Vice Mayor Alison Hicks, and members of the City Council,

Canopy deeply appreciates the City Council and Staff's commitment to making Mountain View a great community for all. A vibrant urban forest throughout the City helps ensure everyone in the community can experience the physical and mental health, climate, social and economic benefits of trees. We at Canopy understand the agenda item "Adoption of Legislative Platform for 2022" is on the consent calendar, and respectfully submit the following comments for the City Council to consider in the next opportunity when the Legislative Program Platform is revised.

Canopy believes a healthy urban forest is a key element of the first six of the seven City Council Strategic Priorities, and urban forest directly supports seven of the eleven legislative platform issue areas (C, E, F, G, H, I and K). However, there is only one reference to "tree" (and no reference to "forest" or "plant") in the latest redline version of the legislative platform document. Therefore, we recommend the City Council consider adding language to support urban forestry in these six issue areas (see recommendations below).

In addition, we would like to highlight a few important State funding opportunities for cities like Mountain View to invest in community forestry programs. According to California ReLeaf, a statewide urban forestry advocacy organization, last fall's proposed **State commitment to urban forestry funding of \$280 million** to CAL FIRE's Urban and Community Forestry Program and California Natural Resources Agency's Urban Greening Program over three years (2021-23) would double the dollars that both programs received over the six years prior. More funding opportunity details are below.

Recommendations on Legislative Platform Statements for Urban Forestry

C. Housing and Community Development: Canopy recommends support for legislation and funding to enable the City to implement community forestry and urban greening

programs, develop nature-filled neighborhoods, and support the City's goal of Livability and Quality of Life.

E. Economic Development: Canopy recommends support for legislation and funding to enable workforce training and job growth in arboriculture and urban forestry, and to help meet the City's goal of Economic Vitality. Canopy also recommends adding to #2 "...schools, and tree lined streets around retail areas to support vitality and increase traffic and length of stay, as well as other needs".

F. Environmental, Climate Change, and Sustainability: Canopy recommends amending #5 to read: Support funding related to expanding the tree canopy for carbon sequestration, *cleaner air, heat island reduction, and many other environmental benefits, as a nature-based climate solution.*

G. Water Quality and Water Supply: Canopy recommends support for legislation and funding to enable the City to implement urban greening and green infrastructure projects that improve water quality, protect creeks and waterways, reduce stormwater runoffs, and decrease the flow of polluted water into the Bay.

H. Natural Hazard: Canopy recommends support for legislation and funding to enable the City to implement urban greening programs to mitigate the effects of extreme heat and wildfire smoke, and safeguard residents' health.

I. Recreation and Parks: Canopy recommends adding "urban forest" to #1.

K. Transportation and Public Works: Canopy welcomes the addition of #17 to implement "slow, green, and shared-used street networks", which can help establish green corridors in support of the City's goal of Mobility and Connectivity.

State Funding Opportunities for Urban Forestry

Below is a list of State funding opportunities, compiled by California ReLeaf in October 2021, subject to change, edited by Canopy for inclusion in this letter:

- California Department of Forestry and Fire Protection (CAL FIRE) Urban and Community Forestry Program: \$130M (estimate, 2021-23)
- California Natural Resources Agency's Urban Greening Grant Program: \$150M (estimate, 2021-23)
- California Department of Transportation (CALTRANS) Active Transportation Program: \$440M (estimate, 2021-24)
 - Connection to Urban Forestry: Trees and other vegetation are significant components of several eligible projects under the ATP, including parks, trails, and safe-routes-to-schools
- Strategic Growth Council's Affordable Housing and Sustainable Communities Program (AHSC): unknown amount (2022-23)

- Connection to Urban Forestry: Urban Greening is a threshold requirement for all AHSC funded projects
- Statewide Park Program: \$155M (estimate, 2021-22)
 - Connection to Urban Forestry: Trees as a component of park creation, expansion and renovation
- Urban River & Waterways: 154M (estimate, 2021-22)
 - Connection to Urban Forestry: Trees could be a component of a broader project
- SB 155, Section 54: \$100M (estimate, 2022-24) available to the Office of Planning and Research, through the Integrated Climate Adaptation and Resiliency Program
 - Connection to Urban Forestry: Natural shade to mitigate extreme heat and heat island
- SB 155, Section 49: \$300M (estimate, 2022-24)
 - Connection to Urban Forestry: Nature-based solution to reduce heat along key active transportation corridor, in low-income or heat-vulnerable communities
- SB 155, Section 51: \$768M (estimate, 2022-24) available to Natural Resources Agency
 - Connection to Urban Forestry: Nature-based climate solutions

Thank you for your attention to these comments. We look forward to continuing our collaboration with the City of Mountain View in our community forestry efforts.

Best regards,



Catherine Martineau
Executive Director
catherine@canopy.org - 650-575-5310

CC:

Kimbra McCarthy, City Manager
John Marchant, Director of the Community Services
Brenda Sylvia, Assistant Director of Community Services