

**From:** Salim Damerdji  
**Sent:** Tuesday, January 3, 2023 1:28 AM  
**To:** [epc@mountainview.gov](mailto:epc@mountainview.gov)  
**Cc:** MV YIMBY <[mv-yimby@googlegroups.com](mailto:mv-yimby@googlegroups.com)>  
**Subject:** Fwd: Public Comment on Mountain View December Draft - MV YIMBY

Dear Planning Commissioners,

Mountain View YIMBY's analysis of the site inventory capacity claims is summarized in the email below and described at further length in the attached document.

Please provide staff with the following direction:

- 1) if HCD does not approve this draft, recommend that staff apply a discount to the nominal pipeline capacity based on historical data of past project completion, per HCD's suggestion in the September review letter, which has also consistently been MV YIMBY's recommendation since July;
- 2) if HCD does not approve this draft, relabel the sites that belong to the North Bayshore master plan as opportunity sites, not pipeline projects. This mislabelling was a concern raised in HCD's September review letter that has not been addressed because the city is clearly on the wrong side of the issue. Per HCD guidance, pipeline sites require, at a minimum, permit applications for development. We are not at that stage yet with North Bayshore.

Thank you,  
Salim

----- Forwarded message -----

**From:** Salim Damerdji  
**Date:** Sun, Dec 25, 2022 at 7:20 PM  
**Subject:** Public Comment on Mountain View December Draft - MV YIMBY  
**To:** Yau, Ellen <[Ellen.Yau@mountainview.gov](mailto:Ellen.Yau@mountainview.gov)>  
**Cc:** MV YIMBY <[mv-yimby@googlegroups.com](mailto:mv-yimby@googlegroups.com)>, <[HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov)>, Megan@HCD <[Megan.Kirkeby@hcd.ca.gov](mailto:Megan.Kirkeby@hcd.ca.gov)>, <[Melinda.Coy@hcd.ca.gov](mailto:Melinda.Coy@hcd.ca.gov)>, David@HCD <[David.Zisser@hcd.ca.gov](mailto:David.Zisser@hcd.ca.gov)>, <[housing@doj.ca.gov](mailto:housing@doj.ca.gov)>, Keith Diggs <[keith@yimbylaw.org](mailto:keith@yimbylaw.org)>, Sonja Trauss <[sonja@yimbylaw.org](mailto:sonja@yimbylaw.org)>, MVCC general <[city.council@mountainview.gov](mailto:city.council@mountainview.gov)>, Aarti Shrivastava <[aarti.shrivastava@mountainview.gov](mailto:aarti.shrivastava@mountainview.gov)>, Anderson, Eric B. <[Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)>, <[reid.miller@hcd.ca.gov](mailto:reid.miller@hcd.ca.gov)>

Dear Ms. Yau,

Please consider this email and the attached letter as public comment for the December Draft's public comment period. The focus of this email and the attached letter are the Draft's site capacity claims.

With the December 2022 Draft released, Mountain View YIMBY is happy to see the City has removed 1919 Gamel Way and 870 E. El Camino, two stalled pipeline projects, as we recommended. However, there are many outstanding items from our site capacity letters from December (see attached) and July (viewable [here](#)) that have not been addressed.

In particular, the City, despite the HCD review letter, continues to:

1. assume, without evidence, that 100% of pipeline projects will be built - not stalled or abandoned - when historical data indicates that a third of Mountain View's pending units fail to be built within a planning period
2. mislabel a master plan in North Bayshore as a pending project when the relevant sites are, in fact, non-vacant opportunity sites with no approved Development Agreement and no planned community permit applications. **Most egregiously, the City counts two potential North Bayshore land dedications as pending projects, but there are no project proposals, no requests for proposals, no approved DA, no project sponsors, and in one case no land available until at least 2029.** These are not pending affordable housing projects under any reasonable interpretation of the term.

The City persists in errors (1) and (2) above, not by accident, but in order to excuse itself from compliance with AB 1397's substantial evidence threshold for non-vacant sites. If the City corrected either error (1) or (2), the City would have to conclude, after updating Table 49 "Lower Income Units on Non-Vacant Sites," that **the City accommodates the majority of low income units on non-vacant sites.** We elucidate further on this in the attached letter, which we are submitting for the December Draft's public comment period.

As always, Mountain View YIMBY welcomes dialogue with the City regarding the housing element. Please reach out if you have any questions about our analysis or if you would like to meet to discuss further.

All the best,  
Salim Damerджи  
On behalf of Mountain View YIMBY



D E N A R D I W A N G  
H O M E S

December 26, 2022

To:

Honorable Members of the Environmental Planning Commission of the City of Mountain View  
epc@mountainview.gov

From:

D/S Gamel Way LLC, C/O DeNardi Wang Homes  
4962 El Camino Real, Suite 223  
Los Altos, CA 94022  
info@denardiwang.com

Re:

Project at 1920 Gamel Way, Mountain View, CA 94040

Dear Honorable Members of the Commission,

This is Kevin DeNardi and Albert Wang of DeNardi Wang Homes. We write to you on behalf of D/S Gamel Way LLC, the applicant for the project at 1920 Gamel Way, Mountain View, CA 94040.

As you are well aware, the current global and local financial situation has deteriorated significantly. In particular related to real estate development, rising interest rates have decreased the purchasing power of buyers who must stomach increased mortgage rates. At the same time, rising interest rates have also increased the cost of construction as construction lenders increase construction loan rates and lower loan-to-value and loan-to-cost ratios. Construction is also facing labor shortages, and the global supply chain is still impacting the cost and lead time of construction materials.

Unfortunately, our project is materially affected by all of these factors. As a result, we cannot move forward with the project as previously approved. We have notified our architectural and engineering consultants that the previously approved project is on hold indefinitely.

There is a solution that is a win-win for the city, our local community, and the ownership. By working with our consultants, we realize that increasing density in a tasteful manner will allow us

Project at 1920 Gamel Way, Mountain View, CA 94040

to provide more Below Market Rate homes, to provide more homes in general, and to allow the project to be financially feasible in order for the ownership to move it forward.

To help us achieve this solution, we request your review and approval for the project site to be rezoned to the high-density R4 zoning district.

If appropriate, we will make ourselves readily available for further discussion.

Sincerely,

DocuSigned by:  
*Kevin DeNardi*  
AD848A45524B4F5...  
Kevin DeNardi

DocuSigned by:  
*Albert Wang*  
39B744AB09BA450...  
Albert Wang

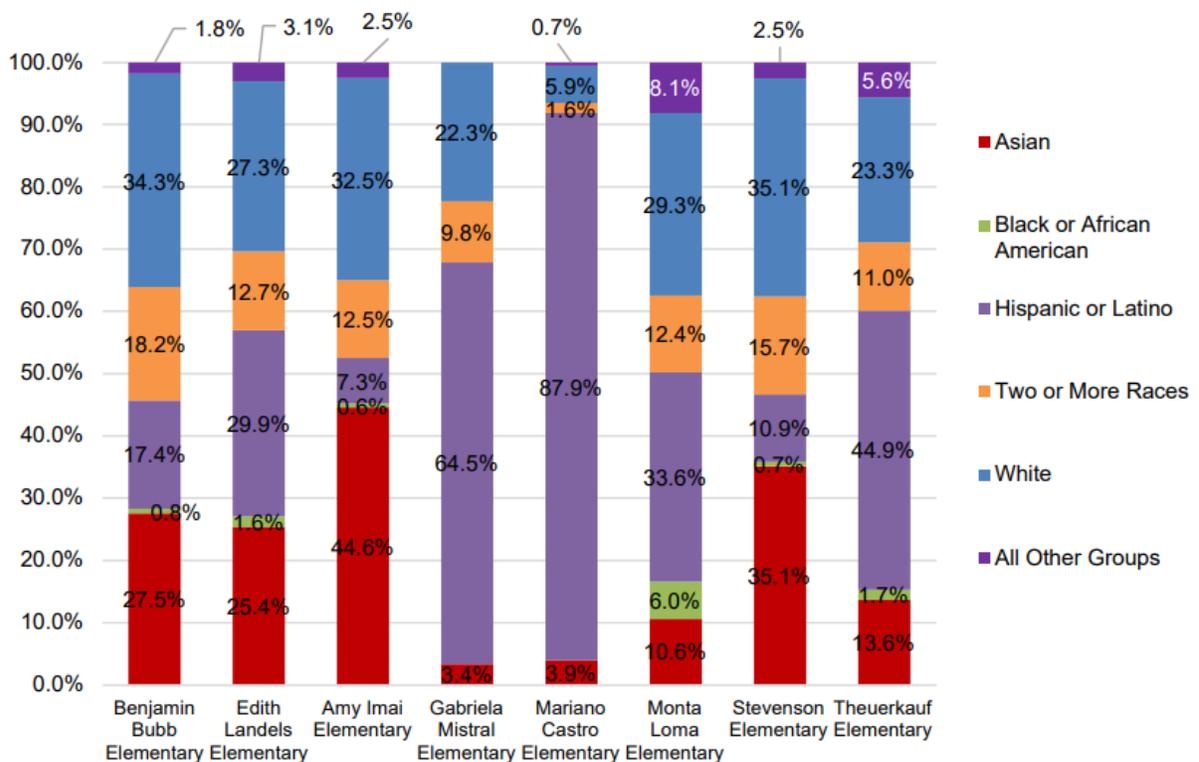
Dear members of the Environmental Planning Commission,

Mountain View YIMBY does not believe that the current draft Housing Element will adequately address spatial segregation concerns with regards to promoting housing choice and improving affordability in areas of affordability. Specifically, we believe the following concerns from previous public feedback have not been adequately addressed:

1. The need to **improve access to a variety of housing choices in affluent and majority non-Hispanic white areas south of El Camino Real.**
2. Further **reducing barriers to constructing housing in the high-opportunity parts of the downtown area.**

The need to increase housing choice south of El Camino Real is highlighted in the racial disparities among Mountain View's elementary schools (Figure 71 from the Housing Element draft is reproduced below for convenience):

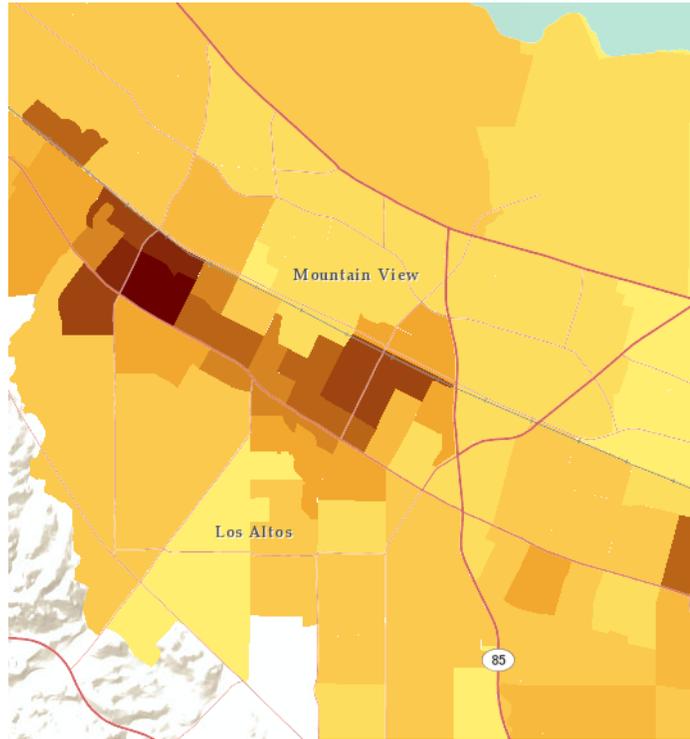
**Figure 71: Mountain View Whisman Elementary School Student Enrollment by Race/Ethnicity, 2020-21**



Sources: California Department of Education, Ed-Data; BAE, 2021.

This has been called out in previous comment letters, but **the small percentage of Hispanic students at Amy Imai elementary (which entirely pulls students from south of El Camino Real) is inconsistent with the duty of the city to Affirmatively Further Fair Housing and to reduce segregation in our public spaces.** These patterns of spatial segregations are also apparent in other ways, as is discussed in the Housing Element draft.

The need to reduce barriers to constructing housing in Mountain View's downtown area is primarily an issue of allowing for a variety of housing choices, including those affordable to lower income households, to be built in areas with good job access. This is discussed somewhat in the current draft Housing Element, but the Job Proximity Score used in Figure 77 of the Housing Element does a poor job of capturing the concerns raised in past comment letters<sup>1</sup>. Namely, that because the downtown area has excellent transit access, it allows for low-cost access to far more jobs than any other area of the city<sup>2</sup>. **The presence of significant racial and economic disparities between the two areas of the city with the best transit access to the regional job market suggests a strong need for increased housing choice and affordable housing in the downtown area.**



While the draft Housing Element has attempted to partially address these issues, it is incomplete in both:

1. **Providing evidence that the proposed programs to provide additional affordable housing south of El Camino Real will actually materialize** in quantities sufficient to meaningfully improve racial integration during the 2023-2030 RHNA cycle. In particular, the current draft relies heavily on the potential for housing on religious sites (Program 1.4) south of El Camino Real and on the potential for the vaguely-defined Programs 1.6, 1.7, and 2.2 to allow for some level of affordable duplexes and ADUs. However, it is unclear that:
  - a. The referenced 30-40 du / acre for religious sites is sufficient to support any affordable housing developments; the lowest density 100% affordable housing project in Mountain View over the past 10 years was 49.5 du / acre, and most were ~80 du / acre<sup>3</sup>.

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<sup>1</sup> The city's transit nodes are shown better by the EPA's "Accessibility index - Transit to jobs" layer in their "Smart Location Database." This is what is shown in the figure. See <https://www.epa.gov/smartgrowth/smart-location-mapping> ("Smart Location Database"); the map shown can be accessed at <https://arcg.is/1frKza0> already zoomed to the correct location, although the transit to jobs layer may not be selected by default.

<sup>2</sup> The exception is the San Antonio area, which is near the other major train station, and is much more densely populated with a much larger hispanic share of the population,

<sup>3</sup> See page 4 of the "[Council Questions](#)" attachment for the [December 13 City Council Meeting](#).

- b. There is sufficient capacity in the potential sites to actually address the fair housing concerns raised, even if they can be developed.
2. **Identifying programs to address segregation even when there is similar or equal access to opportunity.** This is particularly evident in the comment responses for the November draft, where the city's responses asserted that "differences in the racial and ethnic composition of schools provide an indicator of segregated living patterns and did not necessarily relate to disparities in the quality of educational opportunities based on race and ethnicity."<sup>4</sup> However, this does not absolve the city of a need to address racial disparities in the school system; to quote the HCD AFFH guidance memo, "Affirmatively furthering fair housing includes taking proactive and meaningful actions that have a significant impact in integrating living patterns and socio-economic concentrations—well beyond combating discrimination or mitigating disparities."<sup>5</sup> A similar issue applies with access to jobs via transit—there is a significantly larger Hispanic population near the San Antonio station than near the downtown station, which is largely a consequence of the land-use regulations surrounding the two areas.

There are a variety of different potential metrics and programs that could be used to address these issues. For instance, most of the issues raised in this letter would be significantly alleviated by a city-wide upzoning of R1 areas to R3-level densities (as that would remove the underlying land-use disparities between neighborhoods). However, regardless of the programs applied, the city should be actively monitoring AFFH metrics during the RHNA period, and plan to modify the proposed programs if the metrics are not met. Potential metrics could include:

1. Monitoring the Hispanic share of the population at the local elementary schools relative to the demographics of the school district overall. If the lowest hispanic enrollment schools have not closed the gap to the district mean by at least 25% by the 2026 midway period<sup>6</sup>, commit to additional programs, working with HCD to identify the best options.
2. To track the success of individual programs: Monitor the number and type of affordable units produced both at religious sites and via SB9/ADU ordinances. If less than 100 BMR units are produced on these sites by the cycle midpoint, commit to additional rezonings to expand capacity.
3. To track the overall progress towards providing housing choice throughout the city: Given the overall market-rate and affordable housing RHNA targets, identify a percentage that should be built in each neighborhood or within each school boundary. At the cycle midpoint, identify whether at least half of those units have been built and commit to additional programs (including rezonings) if these targets are not met. This number would be larger than the 100 units referenced in (2), and indicative of a need for additional programs to encourage housing production throughout the city.

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<sup>4</sup> ["Resubmittal Letter with Response to HCD Comments"](#), November 18, 2022, Attachment 2, page 3.

<sup>5</sup> ["Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements \(April 2021 Update\)"](#), pages 14-15.

<sup>6</sup> Currently, MVWSD has an enrollment that is approximately 37% Hispanic/Latino. Amy Imai, Bubb, and Stevenson (which is a choice school) are significantly below this number. Closing 25% of the gap for Amy Imai would mean going from 7.3% Hispanic to ~15% Hispanic.

Thank you for the opportunity to provide input,  
James Kuszmaul,  
On behalf of Mountain View YIMBY





## Executive Summary

On July 14th, 2022, Mountain View YIMBY provided the City with a [data-driven analysis](#) of site capacity assumptions in Draft 1. The letter in front of you replicates our previous methodology to update our findings for Draft 2, which likewise fails to justify its capacity assumptions. Our main results are presented in Table 1, and the key takeaways are:

1. Despite HCD's review letter<sup>1</sup> reminding the City that it "must demonstrate [pending] units are expected to be constructed during the planning period," **Draft 2 shares Draft 1's unjustified assumption that 100% of pipeline projects will be built by 2031, when data shows a third of pending units fail to be built in 8 years.**
2. Draft 2 now asserts the City's pipeline *alone* exceeds Mountain View's total unit requirement for RHNA6. This makes Mountain View an outlier across the entire state, surpassing even Alhambra.
3. **After correcting for the City's inflated pipeline claims, the City accommodates most low income housing on non-vacant sites, triggering AB 1397's threshold** for substantial evidence that existing uses pose no impediment to redevelopment.
4. The City assumes, without evidence, that development rates will triple in East Whisman and double across North Bayshore and El Camino.
5. To maintain its No Net Loss buffer, the City should rezone for 6,299 additional units.

**The City's pipeline claims unequivocally violate housing element law.** Our prior [analysis](#) showed that the City's pipeline claims were inflated. HCD's review letter called out the same issue. Nevertheless, the City retains these far-fetched assertions. This is not an accident but rather an attempt by the City to "reduc[e its] responsibility... to identify, by income category, the total number of sites for residential development as required," flouting §65583.1(a). It's furthermore an attempt by the City to excuse itself from complying with AB 1397's substantial evidence threshold, which would otherwise constrain the City from listing highly-trafficked big box stores in its site inventory. And it's finally an attempt by the City to excuse itself from complying with Least Cost Zoning Law, which mandates zoning for enough "land for residential use with appropriate standards... to meet housing needs for all income categories," per §65913.1(a). Every fake unit of pipeline capacity is exactly one unit of its RHNA that the City, by unlawful fiat, writes out of existence.

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<sup>1</sup> <https://siliconvalleyathome.org/wp-content/uploads/2022/10/ScIMountainViewDraftOut092922.pdf>

## Main Results

Table 1. Site Capacity Analysis Breakdown

This table presents our main results comparing Draft 2 claims with our data-driven analysis.

		<b>Draft 2 Claims</b>	<b>MV YIMBY Analysis</b>	<b>Difference</b>
<b>Approved Projects</b>	LI Units	509	423	-86
	<b>All Units</b>	3,942	3,251	<b>-691</b>
<b>Pending Projects</b>	LI Units	1,992	1,324	-668
	<b>All Units</b>	7,476	4,969	<b>-2,507</b>
<b>Developable Sites</b>	LI Units	3,127	1,606	-1,521
	<b>All Units</b>	6,265	3,201	<b>-3,064</b>
<b>ADUs</b>	LI Units	48	30	-18
	<b>All Units</b>	96	59	<b>-37</b>
<b>Total</b>	LI Units	5,676	3,383	-2,293
	<b>All Units</b>	17,779	11,480	<b>-6,299</b>

Our methodology is explained at length in the Appendix of our July letter (see [here](#)). As a refresher, our downward adjustment for pending projects is, as HCD suggested in its September review letter, the “City’s past completion rates on pipeline projects” within eight years. Our analysis for ADUs is simply HCD’s safe harbor formula. Our analysis for developable sites is based on HCD’s Site Inventory Guidebook’s recommendation of looking at “past production trends” that are “based on the rate at which similar parcels were developed during the previous planning period.”<sup>2</sup>

<sup>2</sup>Page 20 of [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

## Appendix

### Additional Notes on the Pipeline

#### Approved Projects

The following projects are on record as being stalled or abandoned:

1. 1919 Gamel Way
2. 870 E. El Camino Real
3. 400 Logue Avenue

Accordingly, our analysis for approved projects does not credit the City for these projects.

#### North Bayshore Master Plan

Many of the City's errors regarding North Bayshore have not been corrected since Draft 1:

1. Per Table 60 of Draft 2,<sup>3</sup> Phase 2 BMR land dedication will occur in 2029. City staff also say BMR housing takes two years to get built - that is, 2031. Even absent delay, Phase 2 BMR housing almost surely won't be built in RHNA6.
2. Delays are foreseeable. In our July 13th [letter to HCD](#), **we identified seven major potential sources of delay or derailment for the North Bayshore Master Plan**, and the City has not added programs to curtail these concerns.
3. The City fails to adequately respond to HCD's review letter.
  - a. HCD's review letter said **the North Bayshore Master Plan parcels must be listed as sites, not pending projects**, if the estimated capacity is merely "anticipated capacity from yet to be proposed projects that will require subsequent approvals." The City's response on page 304 of Draft 2 was simply to call the master plan a project. This is beyond non-responsive. We remind HCD of the facts:
    - i. **There is no approved Development Agreement.** The City's position is that Google has pending projects under a DA that does not exist. This is nonsensical.
    - ii. **Google is on record saying they are not designing or planning housing projects until after office is decanted and demolished.**<sup>4</sup>
    - iii. **There are no permit applications** for the parcels in the North Bayshore Master Plan, and there is no question that future planned

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<sup>3</sup> See page 307 of Draft 2.

<sup>4</sup> At the December 14th, 2021 city council meeting, Andrew Chapple with Google explained that their housing projects will only be proposed after office is decanted and demolished. When asked to explain the timeline to build housing in North Bayshore, Chapple explains, "The action required, of course, first of all is decanting existing Google office buildings where they have existing operations. That's quite a process. Then, of course, after we manage to do that, we have to demolish that area and make way for housing. Then we embark on the housing process, the planning and designing process, and that can take a year plus." See 4:35:45 of the council meeting here: [https://www.youtube.com/watch?v=yWg\\_RrVOGWQ](https://www.youtube.com/watch?v=yWg_RrVOGWQ)

community permits will require “subsequent approvals,” as HCD puts it. City staff has explicitly said the Zoning Administrator’s approval for future permits will be required.

- iv. **A pending land dedication is not a pending project.** There are no RFPs or plans for Phase 1 (2026) or Phase 2 (2029) land dedications. The City does not know who will build these projects, what the projects will look like, or where the funding will come from.
- v. **The City’s submission for Table A cannot even allot units to parcels in the North Bayshore Master Plan** - this is for the glaringly obvious reason that there aren’t projects proposed for each parcel.

**For the above five reasons, the City must designate the North Bayshore Master Plan sites as opportunity sites, not as pending projects, per HCD’s review letter.**

- b. HCD’s review letter stated, “given the element’s reliance on pipeline projects, the element must include programs with actions that commit to facilitating development and monitoring approvals of the projects.”
  - i. The suggested programs have not been added, and the North Bayshore Master Plan still faces foreseeable delays. We encourage HCD to review our [public comment from July](#), as it further explains the complexities and foreseeable delays facing the North Bayshore Master Plan that remain unanalyzed in Draft 2.

## Opportunity Sites Analysis

Table 2. Historical Record vs City’s RHNA6 Assumptions, Broken Down by Precise Plan.

	<b>Projects per Year (Historical)</b>	<b>Projects per Year (City Claims for RHNA6)</b>	<b>Increase</b>
<b>East Whisman</b>	0.67	1.88	181%
<b>El Camino</b>	3.13	6.50	108%
<b>North Bayshore</b>	0.40	0.88	119%
<b>San Antonio</b>	0.88	1.13	29%

To create Table 2, Mountain View YIMBY analyzed all relevant annual progress reports to calculate how many projects have been built per year in each precise plan since each precise plan was implemented. We compare these to the City’s projections and note that, on average, the City assumes, without evidence, that development rates will double.

Table 3. Developable Sites, by Precise Plan.

		<b>City Claims, Draft 2</b>	<b>MV YIMBY Analysis</b>	<b>Difference</b>
<b>Downtown</b>	LI Units	0	0	0
	<b>All Units</b>	6	6	<b>0</b>
<b>East Whisman</b>	LI Units	997	354	-643
	<b>All Units</b>	1,312	466	<b>-846</b>
<b>El Camino</b>	LI Units	1,127	542	-585
	<b>All Units</b>	1,905	916	<b>-989</b>
<b>Grant - Phyllis</b>	LI Units	201	201	0
	<b>All Units</b>	322	322	<b>0</b>
<b>North Bayshore</b>	LI Units	463	212	-251
	<b>All Units</b>	2,137	977	<b>-1160</b>
<b>San Antonio</b>	LI Units	191	149	-42
	<b>All Units</b>	310	241	<b>-69</b>
<b>Not in Precise Plan</b>	LI Units	148	148	0
	<b>All Units</b>	273	273	<b>0</b>
<b>Total</b>	LI Units	3,127	1,606	-1,521
	<b>All Units</b>	<b>6,265</b>	<b>3,201</b>	<b>-3,064</b>

As with Table 2, Mountain View YIMBY analyzed all relevant annual progress reports to calculate how many projects have been built per year in each precise plan since each precise plan was implemented. We then adjusted the City's estimates to account for historical development trends and report the delta in the final column. This methodology is further explained at length in the Appendix of our July letter (see [here](#)).

## Additional Notes on Opportunity Sites

Opportunity sites have been selected in bad faith:

1. **The City knowingly excludes sites with demonstrated interest in redevelopment and knowingly includes sites with demonstrated lack of interest in redevelopment.**
  - a. Despite demonstrated interest from builders, the City excludes 901 North Rengstorff (“Ambra project”) and Castro Commons from the inventory to retain the discretion to deny housing from being built.
  - b. Despite demonstrated *lack* of interest from landowners, the City refuses to exclude 384 San Antonio, 2633 California, and 1288 El Camino Real from the inventory. This error has been identified repeatedly in prior public comments.<sup>5</sup>
2. Since the initial inventory was released, the main improvements have come from members of the public reaching out to landowners of large parcels. This led to Target, Lozano Car Wash, U-Haul, CSA, and El Camino Hospital’s properties being removed from the inventory. That unpaid volunteers are the primary reason the inventory has improved since Draft 1 is evidence that the City’s effort to ameliorate the site inventory has been inattentive and perfunctory.
3. The City claims 1,732 units from 1500 North Shoreline, even though no project of this size has ever been built before in Mountain View without multi-decade phasing or a DA. The City simply omits this analysis hoping that HCD will not notice.
4. The City lists densities around or below 40 du/acre for religious institutions. Affordable housing does not get built at this density in Mountain View. The City should zone for at least 60 du/acre, which at least has historical precedent.

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<sup>5</sup> See <https://myimby.com/post/2022-07-13-site-capacity-addendum/> and page 6 of our March public comment here: <https://mountainview.legistar.com/View.ashx?M=AQ&ID=115391&GUID=cfb7c739-4b47-4253-a679-c87c85bb75ce&N=SXRlbSA2LjEgQ29ycmVzcG9uZGVuY2UgQmF0Y2ggMy5wZGY%3d>

December 22, 2022

*Via E-mail*

Ellen Yau, Senior Planner  
City of Mountain View  
500 Castro Street, P.O. Box 7540  
Mountain View CA 93039-7540

Email: ellen.yau@mountainview.gov

Re: City of Mountain View Draft Housing Element Update  
Comments of Housing Action Coalition

Dear Ms. Yau:

On behalf of the Housing Action Coalition, we write to comment on the draft 2023–2031 Housing Element for the City of Mountain View.<sup>1</sup>

The Housing Action Coalition has made other policy recommendations to the City, through the public comments of its South Bay/Peninsula representative Ali Sapirman, concerning how the City could improve its Housing Element by finding new sites to add to the inventory in opportunity areas, by focusing on affirmatively furthering fair housing, and by not counting new occupancies in housing approved during the last housing element as counting toward the need being planned for in the next eight years.

This letter, by contrast, focuses on legal flaws with the current inventory. The draft Housing Element does not meet the City’s obligation to plan and provide for affordable housing. Absent revisions, it may be found in violation of state law.

**A. The Draft Housing Element Will Not Be Valid Because It Fails To Engage In The Required Evidence-Based Analysis Of Whether Existing Uses Of Nonvacant Sites Will Cease.**

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by

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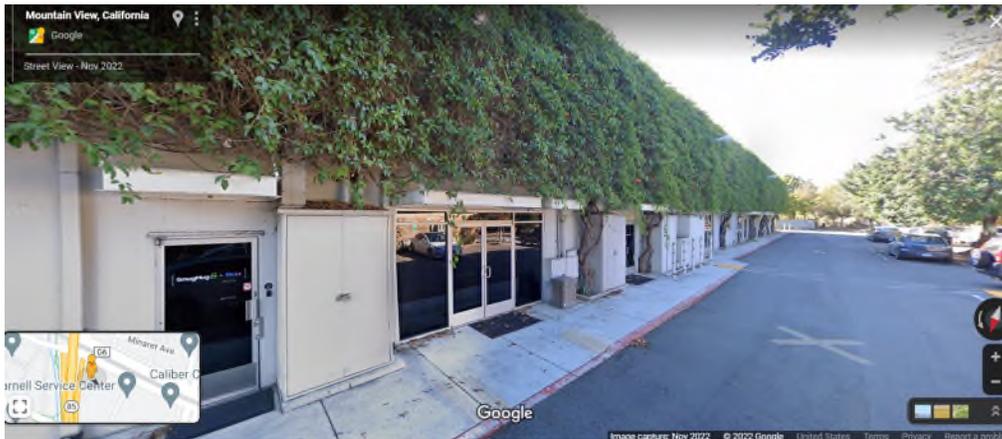
<sup>1</sup> The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California’s housing shortage, displacement, and affordability crisis.

income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1. The site inventory is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels. Where nonvacant sites are listed, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). Where nonvacant sites are not zoned for residential development, the City must rezone them within a specified timeframe. *Id.* § 65583.2(a), 65583(c).

To address past abuses – for example, cities listing unrealistic sites – the California Legislature created a high standard for listing nonvacant sites, particularly where a city claims that the site is suitable and available for redevelopment as housing affordable to those with below average incomes. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). In doing so, the City must analyze existing conditions and how they might be an obstacle to residential development, including lease terms, the condition of property, and market demand. Government Code § 65583.2(g)(1). At page 293 of the redlined draft (in a section titled “50 percent Threshold of Lower Income Units on Non-Vacant Sites,” accompanying table 49 “Lower Income Units on Non-vacant Sites”), Mountain View’s draft acknowledges this requirement: “State law requires additional analysis of existing uses in the sites inventory if more than 50 percent of the City’s low-income RHNA is accommodated on non-vacant sites.”

Unfortunately, rather than engage in the required additional analysis that would inform it whether the sites are realistic, Mountain View instead tries only to argue that the law does not apply. The City incorrectly claims that “approximately 41.7 percent of Mountain View’s lower income RHNA is accommodated on non-vacant sites, which is below the 50 percent threshold.” The problem is that Mountain View has decided that it need not count a site as “non-vacant” if Mountain View considers it “proposed,” regardless of whether it is vacant or non-vacant. But if that weren’t enough of a problem, Mountain View has also decided that it can count a site as “proposed” even where no application for housing entitlements have yet been filed.

This argument will not bear scrutiny by HCD or a court. The sites that Mountain View hasn’t yet approved anyone to build housing on, and which have existing uses on them, are not vacant. For example, the City claims credit towards its RHNA obligations based on the site at 37-87 Evelyn (claiming credit for 318 units of lower income housing, in table 56 as a “Pipeline” project). But, 37-87 Evelyn is not in fact vacant. Here’s a photo from Google Street View, as of November 2022:



As you can see, this site isn't vacant: it has a building on it, and current occupants. The city is relying on it to accommodate its housing need for lower income households, counting it towards its RHNA obligation. So under the clear and unambiguous statutory language of Government Code section 65583.2(g)(2), this is indeed a situation “when a city or a county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households.” Government Code § 65583.2(g)(2).

If Mountain View loses the argument about whether vacant means vacant, while “nonvacant” means a property with an existing use or a building on it, Mountain View’s entire Housing Element will be invalidated, because Mountain View has failed to do the required analysis of whether existing uses are likely to discontinue, and absent findings based on substantial evidence, existing uses are assumed to prevent low income housing. The City will get no credit for listing any of its nonvacant sites – including the ones that it thinks are likely to redevelop because they’re part of the “pipeline” – if it doesn’t have evidence to show that the existing uses will end. This would be unfortunate, because the pipeline suggests that many of the sites do in fact have substantial evidence – many in the form of a redevelopment application – showing plans to change the use. Mountain View may be able to satisfy the rule for many of its sites, but this does not excuse it from doing the required analysis of all of them.

Mountain View appears to have reached its interpretation that “proposed” means “nonvacant” can be ignored based on a short passage in the HCD site inventory guidebook. A chart in the guidebook shows a calculation of the requirement, and implies that a city could subtract a hypothetical “Proposed Lower Income Project” from the RHNA before calculating whether 50% of the lower income RHNA is based on nonvacant sites. The example doesn’t explain what HCD meant by the phrase “Proposed Lower Income Project.”

Mountain View treats the example chart as an interpretation of the term “nonvacant” (though HCD doesn’t explain any reasoning or intention to override the unambiguous meaning of nonvacant in 65583.2(g)(2)), and then takes it to the most extreme reading possible. Mountain View seems to suggest that a “Proposed Lower Income Project” can include all sites that are approved but not yet built, or that are proposed by filed application, or that are in a pre-

application process, or that are merely owned an affordable housing developer but with no plans prepared or presented to the city,<sup>2</sup> or even that are merely intended to be donated by the current owner to a nonprofit developer at a future time. The current draft argues that “Proposed Projects also include land dedications for 100 percent affordable housing projects, and sites owned by affordable housing developers who have plans in place for developing these sites within this planning period.” To be clear, “land dedications” means a property that the current owner, a for-profit developer, does not want to or plan to build affordable housing on, but has agreed to “dedicate” the land to be given to an affordable housing developer in the future. Such a situation is not a “Proposed Lower Income Project” by any fair use of the phrase; it is a hypothetical hope that a yet-to-be-identified affordable housing developer will be able to come up with grant funding and other financing to pay for the considerable expense of actually building a 100% affordable housing project, and then will propose one. Indeed, Mountain View takes the hypothetical affordable housing developer and then imagines that the hypothetical project will be on land that hasn’t even yet been dedicated: it counts as a “pipeline” project 338 units of affordable housing under the Middlefield Park Master Plan, even though it acknowledges that the development agreement for the site is still under negotiation. The owner of the site hasn’t even yet promised to dedicate the land, an affordable housing developer hasn’t been identified, no project has been proposed or described or will be for years, and yet the City treats this as the equivalent of a “Proposed Lower Income Project” under HCD’s draft chart. Mountain View’s decision to consider “pre-applications” and even non-applications (i.e., sites owned by affordable housing developers who haven’t submitted anything to the City at all; sites not yet owned by affordable housing developers) is well outside either of what the Legislature intended for 65583.2(g)(2), or what HCD had in mind when it created its chart with the phrase “Proposed Lower Income Project.” Neither HCD nor a court will consider “land dedications” (whether actual or future) or “sites owned” by an affordable housing developer who has proposed no project yet, to justify avoiding the required 65583.2(g)(2) analysis by a city that uses nonvacant sites for nearly all of the lower income RHNA.

Finally, Mountain View should take no particular comfort in dodging section 65583.2(g)(2), because section 65583.2(g)(1) provides:

For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for

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<sup>2</sup> As we understand it, 37-87 Evelyn, the nonvacant property pictured above, falls into the category of a property owned by an affordable housing developer, but with no project yet proposed to the city.

additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

Government Code § 65583.2(g)(1); *see also Id.* § 65583(a)(4) (requiring that the site inventory be of “sites having realistic and demonstrated potential for redevelopment within the planning period to meet the locality’s housing need for a designated income level”). The City’s current draft fails to analyze existing leases or market conditions, or how existing uses may constitute an impediment to additional residential development. It also fails to demonstrate the potential for redeveloping the sites it lists, which can’t be done without meaningfully considering how they are currently being used. Without performing the required analysis of each site’s existing uses and whether they are likely to continue for the next eight years, the draft Housing Element is not valid.

**B. In Fact, Existing Uses On The Non-Vacant Sites Are An Impediment To Lower Income Housing.**

Indeed, if the City does analyze existing leases and the current uses of the property, it will find that it has listed a number of sites that are not realistic, because they are not likely to be redeveloped in the next eight years.

For example, at 325 and 345 E. Middlefield is the headquarters of IGM Biosciences. It moved into 325 E. Middlefield in 2019, and has more recently been remodeling it for long-term use: a recent building department submittal (Project # 2022-3129) shows that it is converting office spaces to expand its existing laboratories, including culture rooms. This is not the behavior of a short-term tenant, in a building about to be torn down to build affordable housing. And indeed, IGM Biosciences is not a short-term tenant at all: publicly available information shows that it signed a lease in 2021 that lasts until 2032, precluding the landlord from terminating the existing use and redeveloping the property as housing. <https://property.compstak.com/325-East-Middlefield-Road-Mountain-View/p/3908> The properties at 325 and 345 E. Middlefield are counted on the current site inventory for 150 and 82 lower income housing units respectively. Under 65583.2(g)(2), absent substantial evidence that the existing use is likely to discontinue in the next eight years, they should not be counted for lower income housing at all.

At 475 Ellis is a research and development building used by the City’s largest company: Google. 475 Ellis, also known as Google Building E475, had a number of recent projects to remodel its laboratories there, including several in 2021 and several more in 2022. *See, e.g.*, Project # 2022-1917 (“provide power in emulation lab for new and relocated equipment”); 2022-1675 (“remove and replace (5) rooftop HVAC units); 2022-0676 (install UPS equipment and batteries within existing UPS and battery storage rooms). Mountain View has no market conditions evaluation suggesting that Google is about to shut down operations, stop doing research at its R&D facilities, or that it plans to relocate out of Mountain View. While a number of Google buildings nearby to 475 Ellis are the subject of submitted plans for housing

redevelopment, 475 Ellis is conspicuously not one of them. All indications are that Google intends to continue operations at this research facility. Absent “substantial evidence that the existing use is likely to discontinue,” the City may not count on 475 Ellis to accommodate lower income housing needs. 475 Ellis is counted on the current site inventory for 150 lower income units, but should not be.

The Safeway at 630 San Antonio Road has a lease that runs until 2033. <https://property.compstak.com/630-San-Antonio-Road-Mountain-View/p/53376>. Even without analyzing other tenant leases, this precludes it from being considered adequate for the claimed 150 units of lower income housing.

1350 Pear Avenue is an example of failing to consider site conditions. The lot is long and skinny: the parcel map shows it as being 94 feet wide, and nearly 387 feet deep. It will not be consolidated with other sites: it is hemmed in by a newly constructed multitenant shopping and restaurant center, a new office building, and a new hotel. Mountain View has done nothing to analyze whether the site constraints make it reasonable to expect construction of 92 units of affordable housing. Given the site configuration, setback rules, and parking requirements, it is doubtful that anything of the sort could be built here. More likely, the existing uses – five office tenants, as of earlier this year – will continue.

These are just examples. The City is required to conduct the required analysis under section 65583.2(g)(1) and (g)(2). Only if it makes the appropriate findings, backed by substantial evidence, may it claim that nonvacant sites adequately accommodate the need for lower income housing.

**C. The Century Cinema 16 at 1500 Shoreline Boulevard Does Not Count Towards The Lower Income RHNA.**

The newest site added to the inventory is 1500 Shoreline Boulevard, a 16 screen Century Cinema movie theater located just off the N. Shoreline exits from Highway 101. The site is 15.75 acres, and is projected to have a capacity of 1,732 units, including 150 units affordable to lower income households.

The City does not identify whether the property is leased to the theater operator or owned by Century Cinemas. If there is a lease, the City is required to analyze whether it presents an obstacle to development during the next eight years. Expressions of interest in eventual development by an owner are not sufficient, standing alone, to show that a site is suitable and available for lower income housing. Instead, the City must have substantial evidence that the existing use is likely to cease during the next eight years.

This site has another problem that disqualifies it from being counted towards 150 units of lower income housing: its size. Under section 65583.2(c)(2)(B), a site larger than 10 acres “shall not be deemed adequate” to accommodate lower income housing, “unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning

period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.” The City cannot satisfy either part of this test. No site of greater than 10 acres, much less 15, was successfully developed at this density during the last eight years; the list of “precedents” in the City’s draft Housing Element (at Table 45) shows that the largest site developed (Greystar, on the old Safeway site) was 8.63 acres, roughly half the size of the Century Cinema 16, and had only 32 units of affordable housing out of 623 units. The Greystar-Safeway project was thus neither a site “of equivalent size” nor “for an equivalent number of lower income housing units as projected for the site.”<sup>3</sup> The draft also fails to provide evidence that the site is adequate to accommodate lower income housing, as opposing to a large market rate project. The purpose of 65583.2(c)(2)(B) is to ensure that sufficient sites are located within the City for affordable housing developers to acquire and develop, by ensuring that sites are not too large for them to obtain the required grant funding. This 15.45 acre site, with a potential capacity of 1700+ units, does not address this segment of the housing needs of the community.

\* \* \*

We urge the City to take seriously its obligation to plan for housing for all income levels, including low and very low income households. This can only be done if additional, realistic sites are identified after proper analysis, and in those cases where non-vacant land is being used to meet the need, by a showing of substantial evidence that redevelopment is likely during the next eight years.

Respectfully submitted,



Thomas B. Mayhew

TBM:tb

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<sup>3</sup> Two sites not listed on the City’s “precedents” are even further against the City’s projection. 777 West Middlefield developed 9.69 acres with zero lower income units. 555 West Middlefield developed 323 units, but only 32 lower income units, on a site of 14.97 acres. In order to demonstrate the reasonable capacity, the City should fairly present all of the data, and not cherry-pick favored examples to make an argument.

**From:** MV TC <[mountainviewtenantscoalition@gmail.com](mailto:mountainviewtenantscoalition@gmail.com)>

**Sent:** Thursday, December 29, 2022 7:53 AM

**To:** Ramirez, Lucas <[Lucas.Ramirez@mountainview.gov](mailto:Lucas.Ramirez@mountainview.gov)>; Hicks, Alison <[Alison.Hicks@mountainview.gov](mailto:Alison.Hicks@mountainview.gov)>; Kamei, Ellen <[Ellen.Kamei@mountainview.gov](mailto:Ellen.Kamei@mountainview.gov)>; Matichak, Lisa <[Lisa.Matichak@mountainview.gov](mailto:Lisa.Matichak@mountainview.gov)>; Abe-Koga, Margaret <[Margaret.abe-koga@mountainview.gov](mailto:Margaret.abe-koga@mountainview.gov)>; Showalter, Pat <[Pat.Showalter@mountainview.gov](mailto:Pat.Showalter@mountainview.gov)>; Lieber, Sally <[Sally.Lieber@mountainview.gov](mailto:Sally.Lieber@mountainview.gov)>

**Cc:** [housingElements@hcd.ca.gov](mailto:housingElements@hcd.ca.gov); [Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov); Yau, Ellen <[Ellen.Yau@mountainview.gov](mailto:Ellen.Yau@mountainview.gov)>; Anderson, Eric B. <[Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)>

**Subject:** Housing Element

Honorable Mayor, Vicemayor and Councilmembers,

MVTC deeply appreciates your efforts to include the voice and input of our community in the process that will define the content and implementation of the Housing Element for the next 8 years; However, and based on our experience, using as an example the partially translated report that we received on Friday, December 9, it did not fulfill its mission, since our understanding of the terminology and the time we had to understand it were not enough. For that reason, we are left with doubt and frustration at not being able to fully understand how the Housing Element plan will benefit our community. Therefore we cannot give our opinion.

Considering that the opinion of the affected community is an essential and mandatory point on the part of the state, through this correspondence we inform you that the partial translation of the document does not fulfill its function, based on this we kindly request:

- Have translated reports presented and explained to the full satisfaction of the community prior to discussion by our Mayor and Councilmembers, thus giving you the opportunity to hear community input before giving direction to staff.
- That the translations include an explanation for each of the acronyms that the text contains.
- That the next community meetings on Housing Element and Anti-Displacement measures, whether in person or video, at least one of the meetings be only in Spanish in order to express the voice of the Hispanic community, since the impact on the community it is so big that it is necessary for us to understand the information and effectively express which solutions help us and which do not.
- That in bilingual meetings the translation be done by someone specialized in the matter so that communication is effective. This would save us time in the future, avoiding misunderstandings between the community and city employees.

**Also we want to emphasize our deep concern and support to vehicles residents, brothers and sisters living in precarious housing situations that should be addressed with urgency.**

**In addition, we reiterate our position in strong support of OPA, (Opportunity to Purchase Act), TOPA (Tenants Opportunity to Purchase Act) and COPA (Community Opportunity to Purchase Act) as pertinent solutions to community displacement.**

We are optimistic that we will find solutions together. We hope that you honor our request as soon as possible so that we can actively collaborate in the next phase of the process.

We are grateful for your attention to our request and your work in general.

Together for a united Mountain View and for all!

MVTC

Sincerely



Mountain View Tenants Coalition

**From:** Daniel Shane

**Sent:** Friday, December 23, 2022 7:50 AM

**To:** Hicks, Alison <Alison.Hicks@mountainview.gov>

**Cc:** City Council <City.Council@mountainview.gov>; Matichak, Lisa <Lisa.Matichak@mountainview.gov>; Abe-Koga, Margaret <Margaret.abe-koga@mountainview.gov>; Yau, Ellen <Ellen.Yau@mountainview.gov>

**Subject:** Re: Daniel Shane Comments on the Revised 2023-2031 Draft Housing Element in Study Session Agenda Item 6.1

Alison, I have a question. Does the Housing Element have a checklist or matrix for developers planning a housing project in the City of Mountain View. As you know, these could provide the necessary guidance to private developers (private corporations, companies, and trusts) on important elements (rules of the road) they need to follow during the project planning, community involvement, approval, and permitting processes. If the Housing Element does not have such a matrix, do you think this is a recommendation worth pursuing with more vigor? Thank you, Daniel Shane..

Sent from my iPhone

On Dec 23, 2022, at 7:33 AM, Daniel Shane wrote:

Alison, I understand. But how about my recommendation for early engagement? The developer should be "motivated" to engage with the community early in the project design phase to avoid confrontations, waste of time and money to revise plans, and cause anxiety and distrust. Neighborhood concerns should be addressed as early as possible even during the conceptual project plan design phase to address issues, concerns, potential health and environmental impacts directly with the developer. Early tours of the property with the developer will achieve better results in the end and create an atmosphere of collaboration, cooperation, coordination and communication. What do you think?

Best, Daniel Shane. Sent from my iPhone

On Dec 22, 2022, at 9:14 PM, Hicks, Alison <[Alison.Hicks@mountainview.gov](mailto:Alison.Hicks@mountainview.gov)> wrote:

Daniel,

Some of the issues you raise are more relevant for our Biodiversity Plan than for the Housing Element, but I am interested in putting Highway Vegetation Barriers into our requirements for housing projects.

Alison

**From:** Daniel Shane

**Sent:** Thursday, December 22, 2022 8:28 AM

**To:** City Council <[City.Council@mountainview.gov](mailto:City.Council@mountainview.gov)>; Hicks, Alison <[Alison.Hicks@mountainview.gov](mailto:Alison.Hicks@mountainview.gov)>

**Subject:** Fwd: Daniel Shane Comments on the Revised 2023-2031 Draft Housing Element in Study Session Agenda Item 6.1

Hello Lucas and Alison.

I was unable to attend the City Council Study Session on the Revised Draft Housing Element. I had submitted my comments prior to the meeting. Were my comments addressed during the session? Do you think any of my recommendations will be assimilated into the city's plans, programs, and codes.

Thank you and I hope for a happy season of holidays for the two of you and your families.  
Best, Daniel Shane.

**Lucas and Alison. Here is a recent message from Richard Baldauf, USEPA, in response to my letter to the NRDC.** "I did also want to make sure you were aware of these two papers below since they are from California researchers and the studies were done in the state. Sometimes that's important to local organizations. If you have any questions on these, just let me know."

[https://www.sciencedirect.com/science/article/pii/S135223101730821X?casa\\_token=9DNoCyUri7YAAA:AA:ueYGvL1RdLJxxKAdPKF0CntWriADfDnhUdSMpTs0blxO0eJ6FO00YMHZlkhEavAE\\_GpAKM](https://www.sciencedirect.com/science/article/pii/S135223101730821X?casa_token=9DNoCyUri7YAAA:AA:ueYGvL1RdLJxxKAdPKF0CntWriADfDnhUdSMpTs0blxO0eJ6FO00YMHZlkhEavAE_GpAKM)

[https://www.sciencedirect.com/science/article/pii/S0048969718350046?casa\\_token=mwp74LQnak8AAA:TCU0w1ifArXF3bbnPT3713vIWY147ACPkbUgeUqRQjLw7oRyjRBGFoXmMA642ysmvPrFbkw](https://www.sciencedirect.com/science/article/pii/S0048969718350046?casa_token=mwp74LQnak8AAA:TCU0w1ifArXF3bbnPT3713vIWY147ACPkbUgeUqRQjLw7oRyjRBGFoXmMA642ysmvPrFbkw).

**From:** Daniel Shane

**Date:** December 13, 2022 at 12:17:41 PM PST

**To:** [city.council@mountainview.gov](mailto:city.council@mountainview.gov)

**Cc:** [diana.pancholi@mountainview.gov](mailto:diana.pancholi@mountainview.gov), [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov)

**Subject: Daniel Shane Comments on the Revised 2023-2031 Draft Housing Element in Study Session Agenda Item 6.1**

Respectfully, please find my comments attached that are being submitted prior to the deadline set at 4:30 pm and prior to the City Council Study Session on December 13, 2022.

DANIEL SHANE

HOMEOWNER AND SPOKESPERSON FOR THE CYPRESS POINT COMMUNITY PRESERVATION GROUP, WILLOWGATE COMMUNITY

**From:** David Watson

**Sent:** Monday, January 2, 2023 11:13 PM

**To:** [epc@mountainview.gov](mailto:epc@mountainview.gov); William Cranston <[wcranstonmv@gmail.com](mailto:wcranstonmv@gmail.com)>; Hank Dempsey <[hankdempseymv@gmail.com](mailto:hankdempseymv@gmail.com)>; Preeti Hehmeyer <[preeti.hehmeyer@gmail.com](mailto:preeti.hehmeyer@gmail.com)>; Alex Núñez <[alex.nunez@pm.me](mailto:alex.nunez@pm.me)>; Joyce Yin <[jyin.mvepc@gmail.com](mailto:jyin.mvepc@gmail.com)>; Chris Clark <[chrisclarkmv@gmail.com](mailto:chrisclarkmv@gmail.com)>; Jose Gutierrez <[mv.epc.jose@gmail.com](mailto:mv.epc.jose@gmail.com)>

**Cc:** City Council <[City.Council@mountainview.gov](mailto:City.Council@mountainview.gov)>; Chen, Wayne <[Wayne.Chen@mountainview.gov](mailto:Wayne.Chen@mountainview.gov)>; , City Manager <[city.mgr@mountainview.gov](mailto:city.mgr@mountainview.gov)>; City Clerk <[cityclerk@mountainview.gov](mailto:cityclerk@mountainview.gov)>

**Subject:** Mountain View Housing Element Non-Permitted Pipeline Projects

Dear Chair Cranston and members of the EPC:

Mountain View YIMBY spoke with HCD and they were quite clear that a site must have a permit application to count as a pipeline project. In light of this, we'd like to highlight the sites that do not have a permit application but are nevertheless listed as pipeline projects in Table 60:

Address	Formal Permit Application for Site	Has Project Sponsor	Informal Permit Application for Site*	Funding Application (NOFA)	Vacancy Status	Low Income Units	Total Units
89 W El Camino	No	Yes	Yes	Yes	Non-vacant	61	61
96 W El Camino Real	No	Yes	Yes	Yes	Non-vacant	70	70
87 E. Evelyn (City owned)	No	No	N/A	N/A	Non-vacant	150	150
67 E. Evelyn	No	Yes	?	No	Non-vacant	126	126
57 E. Evelyn	No	Yes	?	No	Non-vacant	42	42
1012 Linda Vista	No	Yes	?	?	Non-vacant	69	69
1255 Pear Ave	No	No	No	No	Non-vacant	112	112
Middlefield Park Master Plan (excl. Land Dedication)	No**	Yes	?	N/A	Non-vacant	0	750
Middlefield Park Master Plan Land Dedication	No**	No	No	No	Non-vacant	338	338

North Bayshore Master Plan (excl. Land Dedication)	No**	Yes	No	N/A	Non-vacant	0	2670
North Bayshore Master Plan Land Dedication	No**	No	No	No	Non-vacant	528	695
Total						1496	5083

\* An informal permit application is not a permit application governed by the Permit Streamlining Act. Rather, in Mountain View, it's a form with no fees that serves for informal discussions. It is neither a necessary nor sufficient step in the formal entitlement process.

\*\* We recognize this appears to conflict with the Draft's claim that there is "a formal application for this Proposed Project" (pg 314). There is a formal application for the master plan; there is no formal permit application for residential construction at any site.

If these sites are correctly recategorized as non-vacant opportunity sites, then **the city accommodates the majority of its low income RHNA on non-vacant sites**, which triggers AB 1397's requirement for substantial evidence that existing uses do not impose an impediment to redevelopment.



January 3, 2022

Re: Item 5.1 – 2023-2031 Draft Housing Element

Dear Chair Cranston and Members of the Environmental Planning Commission:

The League of Women Voters supports the removal of barriers that inhibit the construction of low and moderate income housing. This letter builds upon our [previous advocacy on this topic](#), and we reiterate our preference for a substantive Housing Element that makes a significant impact on the City’s housing needs over one that is less ambitious (but submitted by the legal deadline).

On the site inventory, we remain concerned that the City seems to be overcounting pipeline sites, avoiding the 50% non-vacant lower-income threshold to require substantial evidence that individual sites get developed (see Table 49). Specifically, we dispute that various projects listed under “Proposed Pipeline Projects” can be considered “pipeline” given the lack of submitted formal applications. As Table 60 notes, 87 E Evelyn Avenue, 1255 Pear Ave, and the Google Master Plan Dedications do not yet have specified developers to file for applications. The developer for 57-67 E. Evelyn Avenue will not file applications until 87 E Evelyn progresses further. We do not dispute that these projects are likely to happen, but we believe they would be more accurately listed as “non-vacant sites” rather than pipeline. This would mean the City has exceeded the maximum 50% threshold.

On the programs, we remain concerned at the vagueness in action and quantifiable metrics, given the lack of major changes between the second and third drafts, and the lack of fully affirmatively furthering fair housing. Program 1.4, one of the few major programs to touch South of El Camino Real, continues to set infeasible land use conditions (of 30-40 du/ac), given that the [least-dense affordable project](#) in the past decade was 49 du/ac. The other programs affecting that area also happen relatively late: 1.6 - SB 9 “half-a-duplex” sales in 2026; 1.7 - Pre Approved ADUs/SB 9 in 2025; 2.2 - ADU/SB 9 financial incentives in 2026-2028 —and had no revisions between versions. Note that all areas South of El Camino Real and west of 85 are considered “Highest Opportunity” (Figure 100). Program 4.7 (Neighborhood Engagement) does not address how the City would increase the effectiveness of outreach to renters and ethnic minorities. A recent set of meetings were dominated by homeowners and English speaking participants, despite postcards being sent to every address.

While there have been edits to programs addressing homelessness and displacement, the specifics of what the City is committing to do are still vague. Program 2.1 (Affordable Housing Programs) still lists items like COPA/TOPA and CLTs under “possibly including” and “if directed to pursue further,” despite being a key demand from stakeholders facing the threat of displacement. Program 3.1 (Homeless Prevention) does not list the kind of incentives the City

will provide to produce more shelter and lacks mention of vehicle residents who are pushed place-to-place under threat of ticketing and confiscation. Program 3.2 (Displacement Response) mainly lists programs already in place, with the new programs still marked as “may include” and whose milestone is “Propose to Council.” Such wording is too vague to ensure confidence that fair housing concerns will be addressed.

Thank you for your consideration.

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

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

cc: Ellen Yau          Eric Anderson          Aarti Shrivastava          HCD

**From:** Stephanie Hagar  
**Sent:** Saturday, December 31, 2022 2:08 PM  
**To:** Yau, Ellen <Ellen.Yau@mountainview.gov>; Anderson, Eric B. <Eric.Anderson2@mountainview.gov>; Beverly Choi; Ethan Wynacht  
**Subject:** Fwd: FW: Comments on Mountain View Housing Element November 2022 Draft

Hi everyone,

I hope you're all enjoying the holiday season and the time off.

I'm forwarding an email that Reid sent to me yesterday. Please take a look at the email below and the attached comment letters.

Reid and Melinda are offering some times for a call. Of the times that they offered, the ones that work for me are:

Wednesday 1/4: 1-5pm

Thursday 1/5: 3:30-5pm

Friday 1/6: 2-5pm

Wednesday 1/11: 1-2pm, 4-5pm

Thursday 1/12: 9-10am, 12-1pm

Friday 1/13: 1-5pm

Can you all please let me know which of these times work for you?

Ellen/Eric: let me know if you'd like to set something up to talk internally about this before or after we talk to HCD. I'm fairly open next week.

Thanks,  
Stephanie

**bae** urban economics

Stephanie Hagar | Principal

----- Forwarded message -----

**From:** Miller, Reid@HCD  
**Date:** Fri, Dec 30, 2022 at 7:16 PM  
**Subject:** RE: FW: Comments on Mountain View Housing Element November 2022 Draft  
**To:** Stephanie Hagar

Hi Stephanie,

Thanks for reaching out, and hope you are having a good holiday season as well! I would be glad to set up a meeting in early January. Melinda and I actually got some new information in public comments we

received recently that we wanted to discuss with the City (I have attached the letters above). There appears to still be a great deal of concern over the pipeline sites in the inventory, especially the sites in the North Bayshore Master Plan area (I had previously thought there was a development agreement already in place, but it looks like in the inventory that there isn't?). Public comment we have received in the last week state that there are numerous sites in the inventory that have not submitted permit applications, which I will list below:

1. 89 W El Camino Real
2. 96 W El Camino Real
3. 87 E. Evelyn
4. 67 E. Evelyn
5. 57 E. Evelyn
6. 1012 Linda Vista
7. 1255 Pear Ave
8. Middlefield Park Master Plan
9. North Bayshore Master Plan

Additionally, there is mention of sites that are listed in the pipeline that have other existing uses on them that will not end in the planning period (37-87 Evelyn), or sites in the inventory that have existing uses that would be an impediment on development in the planning period (325 and 245 E. Middlefield, 475 Ellis, 630 San Antonio Road, and 1500 Shoreline Boulevard, which also appears to be a large site?).

As well, advocates have voiced concerns that information regarding the element has not been translated in a timely enough manner for non-English speaking community members to give input, and there is a sense that the City may be rushing things a bit to get in compliance without fully engaging with the community on proposed revisions. I completely understand the urgency and desire to get a compliant housing element as quickly as possible, but encouraging and incorporating robust public participation is an essential component of the housing element process, as noted in our letter.

I'm sorry to bring this up rather late on in the review period, but as I said, we didn't receive these comments/feedback and have time to review them in detail until this past week...here are some times Melinda and I would be available to talk in the coming weeks:

Wednesday 1/4: 1-5pm

Thursday 1/5: 3:30-5pm

Friday 1/6: 2-5pm

Tuesday 1/10: 1-2pm, 4-5pm

Wednesday 1/11: 1-2pm, 4-5pm

Thursday 1/12: 9-10am, 12-1pm

Friday 1/13: 1-5pm

Let me know which one works best and we will be happy to accommodate. Feel free to reach out to me any time if there's any additional information you need. Again, apologies for the lateness of these inquiries...

Talk to you soon and Happy New Year!

Reid

**From:** Stephanie Hagar

**Sent:** Thursday, December 29, 2022 3:13 PM

**To:** Miller, Reid@HCD

**Subject:** Re: FW: Comments on Mountain View Housing Element November 2022 Draft

Hi Reid,

I hope you're having a good holiday season and have been able to take some time off.

I think we've covered most of the items below, but I wanted to follow up on the request for a call in early January. The purpose of the call will be to go over the revised draft of the Mountain View HEU to see if you have any remaining comments. We should be sending the revised draft to you early next week. Can you let me know if you have any availability? It would be great if Melinda could join too, but if that's not possible we'd like to set something up whenever you're available.

Thank you!

Stephanie

bae urban economics

On Thu, Dec 15, 2022 at 12:00 PM Stephanie Hagar wrote:

Hi Reid,

Eric has provided the following information on the two projects mentioned in the MV YIMBY letter under "Sites excluded to maintain discretion":

- 901 Rengstorff: Inclusion in the inventory may force the City to proactively rezone a property with a historic industrial building on it, making the historic building non-conforming. Much better to rezone the property with a project, so we can tailor the rezoning to the specific conditions of the site. We also note that this site (unlike most other parts of the City), is exempt from gatekeeper requirements, so they can submit their rezoning application at any time and we will review it per PSA.
- Castro Commons: A developer is proposing an ambitious plan to build across several properties that are all separated by street rights-of-way (they want to buy the streets from the City). They haven't submitted an application yet, and we haven't conducted any analysis of whether the streets should be closed. It is unrealistic to presume that public rights-of-way will be included in a project in the inventory. This is akin to assuming that sites will consolidate if they aren't owned by the same owner. We also think the sites don't meet the threshold of feasibility without the streets. This is akin to a pipeline project we included in an earlier draft (1991 W El Camino Real), but we removed because there were easements on the site that reduced the project's viability.

In general, these facts show that we are being conservative about the sites we are including, analyzing constraints that may affect project feasibility, and not throwing inappropriate sites into the inventory.

Please let us know if you need any additional information on either of these two sites.

Thanks,

Stephanie

On Thu, Dec 15, 2022 at 10:33 AM Stephanie Hagar wrote:

Hi Reid,

Thanks again for the call this afternoon to talk about the Mountain View YIMBY letter. I talked to the City staff and consultant team about this today and just wanted to circle back with you. I'm copying our team onto this email to help us all coordinate on next steps.

Eric and Ellen are going to put some information together on the specific projects and sites that we talked about and send the information over to you:

- 1919 Gamel Way & 400 Logue Ave: Will provide information to clarify why the City anticipates that the projects will be completed during the planning period, in light of the comments on these projects in the Mountain View YIMBY letter
- 555 W Middlefield and 777 W Middlefield: Will explain why these sites are likely to get built at the densities assumed in the HEU given MV YIMBY's comments on these projects. [Ellen and Eric: please correct me if I'm wrong, but my understanding is that both of these projects are already approved at the densities shown in Table 53 of the HEU, and at least one of them has started construction. All zoning that is necessary for these projects to develop at the densities assumed in the HEU is already in place, despite the MV YIMBY letter including these projects in a section with the heading "Projects that exceed established zoning." ] Reid: assuming that Ellen and Eric confirm that this is the case, do you need any more information on these two projects? Please note that the heading in Table 53 that reads "Expected Entitlement Date" should read "Expected Completion Date". The projects in this table are already approved.
- 901 North Rengstorff and Castro Commons (included in the MV YIMBY letter under "Sites excluded to maintain discretion"): Will provide explanation of why these sites are not included in the HEU inventory.

From our call yesterday, I understand that the edits that we discussed on December 12th should address the primary remaining concerns from the MV YIMBY letter. This includes connecting the programs to the public input that we have received, particularly in terms of addressing constraints. We also discussed MV YIMBY's comments on the BMR in-lieu restrictions, and that the in-progress edits to Program 1.9 (BMR Review) should be sufficient to address that comment.

You also mentioned that we should review the comments under the "Programs" section of the MV YIMBY letter to see if there are any changes that we can incorporate if possible.

Can you let me know if I'm forgetting anything?

Also, can we set up a call for early January? We will be sending the revised draft to you around that time and would like to go over any remaining issues.

Thanks again for all of your help with this!

Stephanie

On Tue, Dec 13, 2022 at 11:28 AM Miller, Reid@HCD wrote:

Hey Stephanie,

Apologies, I thought I had already sent this letter to you, but I guess I hadn't...I think the City already talks about some of these concerns in the element, but if you could be sure the comments in this letter are addressed in some form, that would be much appreciated. If you or the City have questions, just let me know.

Thanks!

Reid

**From:** David Watson

**Sent:** Monday, December 5, 2022 10:22 PM

**To:** Housing Elements@HCD <[HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov)>

**Cc:** Miller, Reid@HCD; Mountain View YIMBY <[contact@mvyimby.com](mailto:contact@mvyimby.com)>

**Subject:** Comments on Mountain View Housing Element November 2022 Draft

Dear Reid Miller et al.,

Please find attached Mountain View YIMBY's comments on the Mountain View's Draft Housing Element Update of November 2022

We look forward to discussing any questions you have about this feedback soon.

Respectfully,

David Watson