



DATE: November 25, 2014

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **North Bayshore Precise Plan**

RECOMMENDATION

1. Adopt a Resolution Certifying the North Bayshore Precise Plan Environmental Impact Report and Adopting CEQA Findings, a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program, to be read in title only, further reading waived (Attachment 1 to the Council report);
2. Adopt a Resolution Approving An Amendment To The General Plan Land Use Map To Change Properties Located Along The Shoreline Boulevard Corridor from High-Density Office to North Bayshore Mixed-Use; Mixed-Use Center; and Parks, School, and Facilities, to be read in title only, further reading waived (Attachment 2 to the Council report);
3. Introduce an Ordinance Amending the Zoning Map for the Areas Located in the North Bayshore Precise Plan Area from ML (Limited Industrial); MM-40 (General Industrial); P(1) Shoreline West Precise Plan; P(2) Charleston South Industrial Precise Plan; P(3) North Shoreline Boulevard Precise Plan; P(33) L'Avenida South Precise Plan; P(34) North Bayshore Precise Plan; and the State of California Remnant Parcel Adjacent to the Highway 101 Northbound On-Ramp/Shoreline Boulevard, to a New P(39) North Bayshore Precise Plan, to be read in title only, further reading waived, and set a second reading for December 9, 2014 (Attachment 3 to the Council report);
4. Adopt a Resolution Adopting the North Bayshore Precise Plan, to be read in title only, further reading waived (Attachment 4 to the Council report); and
5. Adopt a Resolution Adopting Bonus Floor Area Ratio (FAR) Review Guidelines for the North Bayshore Precise Plan, to be read in title only, further reading waived (Attachment 5 to the Council report).

BACKGROUND

The Draft Precise Plan represents the implementation of the 2030 General Plan's vision, goals, and policies for North Bayshore. The City Council has previously provided comments on North Bayshore Precise Plan topics at a number of Study Sessions and public hearings in 2013 and 2014.

The Draft Plan and EIR were delivered to Councilmembers in July, and is available online at www.mountainview.gov. On September 3 and September 9, the Public Draft was reviewed by the EPC and the City Council, respectively. The EPC recommended approval of the Plan at their November 19, 2014 meeting.

ANALYSIS

The following is a summary of key Precise Plan issues. This section also includes a summary of EPC and Council discussion from their September meetings, additional staff analysis, proposed changes to the Public Draft, and formal EPC comments from their November 19, 2014 meeting, including public comments. Other policy edits are summarized at the end of this section. Clarifying edits and typos are not discussed in this report, but are included in Attachment 4, Exhibit B.

Key Issues

Issue No. 1: Vehicle Trip Cap Capacity. The Public Draft Plan states:

"If monitoring shows that the trip cap is reached at any of the three gateway locations, the City will not grant any new building permits for net new square footage in the North Bayshore Precise Plan area until the number of morning peak period vehicle trips is reduced below the trip cap." (Chapter 8.3, Page 181)

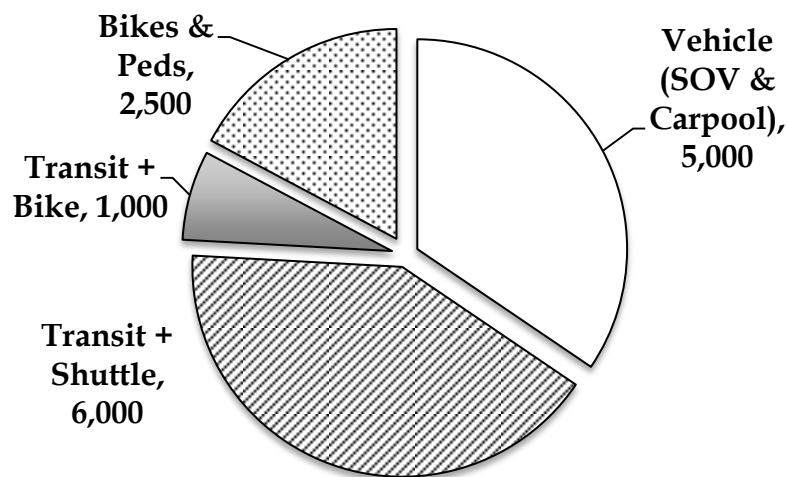
EPC Comments: The EPC supported maintaining the draft vehicle trip cap standard as written. The EPC stated they wanted to see improvements made to the North Bayshore gateways as soon as possible. They supported both City projects and private development funded projects to implement these improvements.

City Council Comments: The Council supported the draft standard, but requested additional information regarding implementation of the City's Capital Improvement Program (CIP) Action Plan and transportation project priorities; how these projects could be tied to new development through a "parallel process"; potential impacts to

smaller developers; metrics for how the City could evaluate ways a new development can increase capacity through improvements and/or Transportation Demand Management (TDM) measures; and how to reduce uncertainty for new development seeking entitlements given this trip cap standard. The Council also supported additional information regarding this standard and potential impacts to small businesses.

Additional Staff Analysis and Discussion:

Priority Transportation Improvements and Mode Shifts. New development associated with the Precise Plan is estimated to introduce about 14,500 new commute trips into North Bayshore in the a.m. peak period (7:00 a.m. to 10:00 a.m.). To meet the mode shift targets established in the Plan, a substantial number of these trips will need to use modes other than driving alone. From work done in the 2013 Shoreline Transportation Study and updated through the Precise Plan, the following chart provides a rough estimate of these future trips by mode:



The Precise Plan identifies and prioritizes specific improvements to support this mode shift by improving the quality and capacity of facilities that will be utilized by each mode. While each of the improvements contributes some value to reducing peak commute single-occupant vehicle (SOV) trips and shifting transportation modes, the full benefit of the improvements to reach the mode shift goals listed above will only occur when the improvements are implemented and operating as part of an integrated network of facilities. The improvements also work in concert with one another as part of the overall transportation system, so attributing a specific trip reduction to each individual project is not possible.

The priority improvements identified in the Precise Plan for each mode are listed below, and will be implemented through projects as part of the North Bayshore CIP Action Plan. Some improvements benefit multiple modes but are shown with the mode that is the primary beneficiary.

- **Vehicle Trips (SOV & Carpool)**
 - Shoreline off-ramp realignment
 - Expanded North Bayshore street grid

The Shoreline off-ramp realignment will deflect an estimated 1,000 vehicle trips in the peak period off Shoreline Boulevard at Highway 101, providing additional capacity on Shoreline Boulevard. The realignment would also deflect long-range shuttle buses travelling north on Highway 101 from Shoreline Boulevard exiting at this location.

- **Transit + Shuttle (Company Shuttles and Last-Mile Shuttles)**
 - Charleston transit boulevard
 - Shoreline Boulevard bus lane
 - Transit Center shuttle improvements

The transit improvements will support the additional 6,000 employees that will travel in and out of the Precise Plan area on company shuttles and last-mile shuttles (to/from Caltrain and light rail) during the peak period. It is impossible to correlate a precise number of transit trips associated with each of the projects, but, in combination, these projects will provide the infrastructure to support the additional trips.

- **Transit + Bike (Caltrain and Light Rail with Bicycle Connection to North Bayshore)**
 - Shoreline cycle track
 - Bicycle and pedestrian bridge over U.S. 101
- **Bicycle & Pedestrian Trips (Home to Work)**
 - North Bayshore cycle tracks and green streets
 - Shoreline Cycle track and bike/pedestrian bridge
 - City-wide bicycle improvements

The pedestrian and bicycle improvements will support an additional 3,500 pedestrian and bicycle trips in and out of the Precise Plan area in the peak period, including both home-to-work trips and last-mile bike connections to Caltrain and light rail. At least half of these trips are expected along the Shoreline Corridor, and the remainder are expected to use other routes into the Precise Plan area.

The improvements will also need to be supplemented by individual company and Transportation Management Association (TMA) programs that provide additional incentives and services for each mode (e.g., Caltrain shuttles) to encourage changes in transportation and commuting behavior. New development will help fund some of these improvements through a North Bayshore improvement fee. This fee will be established through a North Bayshore Precise Plan nexus study. The study will identify a range of improvement fees for said transportation projects. This fee will be paid by new development on a net-new-square-foot basis. The nexus study is expected to be completed by spring 2015.

Additional funding for CIP actions could also come from community benefit contributions (through Bonus FAR tiers); Shoreline Community funds; and regional/State grants.

Vehicle Trip Cap. The Precise Plan establishes an initial vehicle trip cap at the three North Bayshore gateway locations during the a.m. peak period (7:00 a.m. to 10:00 a.m.). The vehicle trip cap will be reviewed annually by the City Council to assess if it is achieving improved transportation performance at these gateways. Physical transportation improvements will result from implementation of the CIP Action Plan, described above.

EPC November 19, 2014 Summary Discussion: Vehicle Trip Cap Standards

The EPC had a number of general questions about how the proposed modifications to the Vehicle Trip Cap standards would be implemented. Overall they were supportive of the proposed language changes, as noted in the specific straw votes below.

The following proposed text changes to Standard No. 2, Page 181, provide additional clarity and flexibility in implementing the trip cap:

Vehicle trip cap. If monitoring shows that the trip cap is reached at any of the three gateway locations after two consecutive data reporting periods, the City will not grant any new building permits for net new square footage in the North Bayshore Precise Plan area until the number of morning peak period vehicle trips is reduced below the trip cap, except as described in the next paragraph.

EPC November 19, 2014 Recommendation #1:

The EPC (6-0, Fernandez absent) supported the proposed modification to Standard #2.

An application for new development may propose strategies, including but not limited to, physical improvements to the transportation network and additional Transportation Demand Management measures, along with traffic analysis demonstrating the proposed strategies and/or improvements will comply with the district vehicle trip cap prior to project occupancy. Proposed strategies and/or improvements shall be implemented prior to building occupancy, unless deemed otherwise by the City Council. The City Council will consider applications proposing improvements to the transportation network and/or additional Transportation Demand Management measures according to the review process established by City Council policy.

This proposed revision allows North Bayshore stakeholders (area businesses, the TMA) to potentially make more aggressive changes to planned district improvements or TDM measures after an initial data reporting period indicates the trip cap is exceeded. The result of these improvements could then be assessed after the next data reporting period. Then, if the trip cap was still exceeded, Council could decide not to grant any building permits or implement other changes, such as implementing congestion pricing.

Additionally, the proposed revision to this standard clarifies that development applications can be submitted in parallel with proposed transportation improvements. This allows new development to proactively work with the City and other North Bayshore stakeholders to improve vehicle capacity at the gateways by funding improvements, or by implementing more aggressive TDM measures.

EPC November 19, 2014 Recommendation #2:

The EPC (6-0) supported the proposed modification to Standard #2.

Additionally, the following are proposed changes that add more detail regarding the annual North Bayshore vehicle trip cap report and its evaluation:

- 3. Vehicle trip cap report.** The City shall prepare an annual North Bayshore vehicle trip cap report. This report will include data from the vehicle trip cap monitoring program, including the number of vehicle trips at each gateway and each gateway's vehicle trip capacity. The report will also document any trends or data regarding

progress toward achieving the Precise Plan's mode share targets. The report may also include, but is not limited to, the following: single-vehicle occupancy percentage; implementation of employer TDM programs; and the timing and implementation of area transportation improvements.

EPC November 19, 2014 Recommendation #3:

The EPC (6-0) supported the proposed modification to Standard #3.

4. Vehicle trip cap evaluation. The City Council shall review the annual vehicle trip cap report. The City Council will evaluate the report and may adjust the trip cap to reflect any new capacity at the gateways. If the report shows that the vehicle trip cap is not being achieved to the satisfaction of the City, the City Council may consider, but is not limited to, any of the following:

- require new development to implement additional project and/or area-wide TDM strategies;
- increase the amount of City or developer contributions to fund area transportation improvements and implement a congestion pricing program for the area.

EPC November 19, 2014 Recommendation #4:

The EPC (6-0) supported the proposed modification to Standard #4.

Additional considerations: The Council asked for additional information on how the trip cap program would impact small businesses. Staff notes that the trip cap will be applied to the district as a whole for all businesses in terms of monitoring at the gateways. However, the Precise Plan could exempt small retail and service businesses with 50 or fewer employees from the trip cap for proposed expansions up to 2,500 square feet.

Issue No. 2: Bonus FAR Tiers. The EPC stated they wanted more FAR tiers for the Gateway character area, similar to other character areas. They also supported removing the high-performing green building and zero net green building from the Core Area's 1.0 to 1.25 FAR tier to emphasize the transfer of development and district-improvement project measures.

City Council Comments: The Council noted general support for the EPC comments, but also requested that projects above 0.45 FAR focus on district-level improvements, with an emphasis on transportation; requested additional information on different options to achieve higher FAR among tiers; and supported more FAR tiers for the Gateway character area.

Additional Staff Analysis and Discussion:

Exhibit 6 shows an option to modify the tiers based on EPC and Council comments. The EPC may wish to comment if the proposed Bonus FAR tier changes meet their expectations for implementing higher-intensity development and Precise Plan objectives and priorities.

EPC November 19, 2014 Summary Discussion: Bonus FAR Tiers

The EPC supported the revised Bonus FAR Tiers for the four Precise Plan character areas. They had general questions regarding the differences between higher-performing green buildings and zero net green buildings. The EPC noted that applicants should not be able to request multiple green building FAR Bonuses at the higher FAR tiers within the Gateway and Core character areas. For example, if an applicant in the Gateway character area requested a zero net green building FAR Bonus at the 1.5 FAR tier, they could not request either a zero net green building or higher-performing green building FAR Bonus at the next 2.0 FAR tier.

EPC Recommendation #5:

The EPC (6-0) supported the proposed modifications to the Bonus FAR Tiers, with the following exception: in the Gateway area, applicants can only request one green building related FAR Bonus.

EPC Recommendation #6:

The EPC (6-0) supported the proposed modifications to the Bonus FAR Tiers, with the following exception: in the Core area, applicants can only request one green building related FAR Bonus.

Issue No. 3: FAR Bonus Review

New development over 0.45 FAR may request additional FAR by meeting FAR Bonus criteria. The proposed new standard below establishes the Council review process for evaluating these requests per new FAR Bonus Review Guidelines.

FAR Bonus Review. Proposed net new development over 0.45 FAR requesting FAR Bonuses shall be subject to FAR Bonus Review Guidelines, as adopted by the City Council. The City Council shall determine if the proposed development meets this Council-adopted FAR Bonus evaluation policy.

These requirements apply to the amount of square footage analyzed in the General Plan EIR and Precise Plan EIR. Any proposed development above what was studied in the General Plan EIR and Precise Plan EIR requires additional CEQA review authorized by the City Council.

The FAR Bonus Review Guidelines will be considered by the City Council. The City Council will evaluate all new development proposals over 0.45 FAR that request an FAR Bonus as a group of applications, similar to how the current Gatekeeper system works. Applicants shall submit materials as outlined in the FAR Bonus Review Guidelines. This evaluation would take place twice during the year (April and October).

Key parts of this policy include:

1. The City Council will determine which proposals qualify as eligible for FAR Bonuses under the 3.4 million square feet analyzed in the General Plan EIR and Precise Plan EIR;
2. Applicants must propose how their requested FAR Bonus projects implement Precise Plan guiding principles (Create Distinct Areas within North Bayshore; Enhance Ecosystems and Habitat; Improve Transportation Connections to North Bayshore; Expand and Improve Open Space; Create Walkable, Human-Scaled Blocks; Concentrate Growth to Support Transit; Make the Area Highly Sustainable; Promote Transit, Biking, and Walking; Construct Buildings that Support Public Areas; Minimize the Potential Consequences of Sea Level Rise; Promote Economic Diversity; and Promote Retail, Entertainment, and the Arts);
3. The City Council may consider a mix of quantitative and qualitative criteria in evaluating FAR Bonus applications, including, but not limited to:
 - How the proposal meets the Precise Plan's vision and guiding principles;

- The number of vehicle trips associated with development and proposed improvements to implement the CIP Action Plan, and the effect on trip cap and roadway performance;
- Size/scope of habitat enhancements;
- Small business preservation and enhancements;
- Nonauto improvements and performance;
- Enhanced community benefits;
- District-wide improvements, including collaboration between different companies;
- Phasing of proposed improvements and development; and
- The quality and thoroughness of submitted application materials.

If the Precise Plan is adopted in November, then staff expects the first “round” of FAR Bonus requests to be reviewed in April 2015. The deadline for submitting FAR Bonus requests would be February 28, 2015.

EPC November 19, 2014 Summary Discussion: FAR Bonus Review

The EPC supported the proposed FAR Bonus Review process, but had questions about the timing of the review process. They expressed some initial concern over the proposed February application deadline and April Council review period, but were satisfied that these timelines could be achieved.

EPC Recommendation #7:

The EPC (6-0) supported the proposed timelines associated with the FAR Bonus Review process (February 28 deadline) and April Council review period.

EPC Recommendation #8:

The EPC (6-0) supported the proposed the FAR Bonus Review process.

Issue No. 4: Architectural Standards and Guidelines

Architectural standards and guidelines were briefly discussed by the City Council. Several property owners, developers, and companies provided comments on the Plan's architectural standards and guidelines. They noted concern over the prescriptive nature of the architectural standards. Based on this feedback, and to provide more flexibility in architectural design while still establishing strong design expectations, the following changes are proposed:

- Architectural standards – all character areas.
 1. ~~Upper story bulk controls. Above three stories, a building shall not exceed 75 percent of the ground floor footprint;~~
 2. ~~Upper story building length. Above three stories, buildings shall not exceed 200' on any side.~~
- Add or modify the following building massing guidelines for each character area, as applicable:
 1. **Streetwall.** New building facades should be located within the build-to area to reinforce the basic massing scheme for the area, and to create a continuous streetwall and generate a primary streetwall predominately 2- to 4-stories in scale.
 2. **Building Composition.** Large buildings should have horizontal and/or vertical massing breaks to articulate the building as a series of clear masses with a range of depth, width, and height, particularly to the street. Where building frontages are more than 200' in width, building facades should have include massing breaks be broken up to ensure facades are not overly long.
 3. ~~**Building articulation Frontages.**~~ Building articulation frontages should respond to their adjacent planned street character through well-articulated and appropriately scaled facades; ~~more articulation is encouraged on narrower streets with high pedestrian activity, while buildings on wider streets may have less articulation.~~
 4. ~~3.~~ **Upper-Story Building Design.** Upper stories should be designed to create comfortable conditions for pedestrians and cyclists by maintaining include access to air and light. Building design strategies may include, but not be limited to, front stepbacks, horizontal and/or vertical articulation,

reduced upper story areas, and/or other facade design strategies to create buildings that are scaled for pedestrians and cyclists-humans.

~~5.~~ **4. View Preservation.** Upper stories should be designed to preserve significant views of surrounding mountains and the Bay as viewed from public streets.

~~6.~~ **5. Ground-Floor Facade.** In high-volume pedestrian areas, such as along Shoreline Boulevard, the ground floor along primary facades should be distinguished from upper floors by a greater floor-to-ceiling height and a high degree of transparency, generally in the form of large transparent windows with views into the building.

~~6.~~ ~~Context sensitivity.~~ ~~New construction should be sensitive to its surroundings and should provide appropriate transitions between adjacent parcels and open areas.~~

EPC November 19, 2014 Summary Discussion: Architectural Standards and Guidelines

The EPC was concerned that replacing architectural standards with guidelines would weaken the Plan's urban design outcomes. They also had concerns over the bulk and mass of upper story buildings, and removing the "context sensitivity" standard from this section. The EPC also had concerns regarding the use of "should" versus "shall" within this section.

EPC Recommendation #9:

The EPC (6-0) supported the proposed revisions to the architectural standards and guidelines, with the following comments:

- Replace the context sensitivity standard #6 noted on Page 3 of the Table Of Proposed Changes (Attachment 4, Exhibit B);
- Strengthen language for standard #4, Upper-story building design on Page 3 of the Table Of Proposed Changes (Attachment 4, Exhibit B);
- Add language to the section that says applicants shall design their buildings according to the guidelines in the plan.

Issue No. 5: Development Standards Exceptions

The Precise Plan includes a section regarding development standards exceptions, (Section 3.19) which states:

“Project applicants will be provided some flexibility in meeting the following standards if they meet the purpose and intent of said standards, subject to the project review and approval process.

- lot coverage
- block standards
- building placement
- frontage location.”

The Precise Plan team highlighted these specific exceptions during development of the character area standards and in discussions with stakeholders. However, there may be a future need for the City Council to have maximum flexibility to consider other development standards exceptions based on future development in the area. To that end, the following additional text is proposed:

Project applicants may apply for exceptions to development standards other than those listed above. To be considered for such an exception, the project applicant must demonstrate to the City Council that the requested exception (a) meets the intent and purpose of the Precise Plan, including, but not limited to, its guiding principles and character area expectations; and (b) results in a superior project design or outcome for the community that justifies the exception request.

EPC November 19, 2014 Summary Discussion: Development Standards Exceptions

The EPC supported the proposed revisions.

EPC Recommendation #10:

The EPC (6-0) supported the proposed revisions to the development standards exceptions language.

Other Policy Edits

The following are proposed Public Draft topics from the “Other Policy Edits” section of Attachment 4, Exhibit B:

- Gateway building coverage (changed from 70 percent to 80 percent to allow greater intensity in this key area).
- Minor changes to allowed/provisional land uses (lists several land use regulations).
- Exemptions from FAR calculations (additional language on how this should be calculated).
- Lot coverage (notes that new construction should comply with ground-level lot coverage).
- FAR (adds clarity to FAR regulations).
- New frontage guideline (clarifies design expectations).
- Habitat enhancement (states the timing of the habitat enhancement plan).
- Habitat Overlay Zone split parcels (additional information on how these should be calculated).
- Stormwater management (new guideline).
- Publicly financed buildings (states that “Gold” is new standard).
- Outdoor landscaping standard (adds more clarity to standard, including potential exemption).
- Recycled Water Ordinance standard (adds more clarity to standard, including potential exemption).
- Bird-safe design guidelines (new guideline).
- Electric-assist bicycles (new implementation action).
- Delete personal lockers from table (adds more flexibility for long-term bike storage requirement).
- Habitat enhancement implementation item (adds more information).

For a more complete description of these policy edits and additional clarifying and typo policy edits, refer to Attachment 4, Exhibit B.

EPC Recommendation #11:

The EPC (6-0) supported the proposed changes to the Precise Plan listed in the Table of Proposed Changes, with the additional recommendations:

1. Add “mobility” and “habitat and biological resources” to the Plan text (Page 11 of Table of Proposed Changes, fourth row – Attachment 4, Exhibit B).
2. Add in second paragraph on Page 73 proposed for deletion (Page 22 of Table of Proposed Changes, first row – Attachment 4, Exhibit B).
3. Add better definition of cycletrack to Appendix.
4. Figure 26, add the recently completed “green loop” project north of Plymouth to this figure.
5. Replace one of the “x, y calculation” sets to determine minimum building frontage to a “a, b calculation” to differentiate them.

The EPC (6-0) recommended approval of the North Bayshore Precise Plan, as amended, and the associated General Plan Map and Zoning Map Amendments.

November 19, 2014 EPC Meeting – Public Comments

Thirteen members of the public spoke at this meeting, with the following general comments:

- Delay the Precise Plan, due to potential legal risks with adopting a plan and then changing it later.
- Buildings should not be allowed as high as proposed.
- Support the plan and recommended changes.
- Housing should be considered in North Bayshore.
- Concern over the February deadline for submitting FAR Bonus Review applications.

- The Plan supports habitat and ecological resources.
- The Plan represents reasonable compromises on key issues.
- Housing should not be considered in North Bayshore.
- Concern over potential required dedications of private property along Shoreline Boulevard.

Environmental Impact Report

An Environmental Impact Report (EIR) was prepared to conform to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines (California Code of Regulations 15000 *et seq.*). The EIR evaluates the potential environmental impacts that might reasonably be anticipated to result from implementation of the Draft Plan. The Draft EIR was prepared for the City by David J. Powers, Inc., and is available at www.mountainview.gov.

A. Notice of Preparation

On August 29, 2013, the City circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. A scoping meeting on the Draft EIR was held on September 26, 2013. Comments received by the City on the NOP and at the scoping meeting were taken into account during the preparation of the Draft EIR.

B. Draft EIR – Summary

The Draft EIR was made available for public review on August 5, 2014 and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and hard copies were available for public review at the City of Mountain View Community Development Department and the Mountain View Public Library. The CEQA-mandated 45-day public comment period ended on September 19, 2014.

C. **Final EIR**

Copies of all responses to comments and EIR text revisions (which together with the Draft EIR comprise the Final EIR) were made available to the public on November 6, 2014 in the Mountain View Community Development Department, the City's website, and the Mountain View Public Library. The City received 46 written letters with comments on the Draft EIR and received verbal public comments from the EPC and City Council meetings in September. A response to all the comments is included in the Final EIR which is attached to this report.

D. **Significant Unavoidable Impacts**

The EIR identified some impacts resulting from the Draft Plan that could be reduced to less-than-significant levels with mitigation measures. The EIR also noted that the project would result in the following significant unavoidable impacts:

- **Intersection Impacts:** As shown in Table 3.2-9 of the Draft EIR, implementation of the proposed project would increase motor vehicle traffic and congestion, resulting in significant and unavoidable impacts to the following six intersections:
 - 15. Rengstorff Avenue and U.S. 101 Southbound ramps
 - 33. Shoreline Boulevard and Plymouth Street
 - 34. Shoreline Boulevard and Pear Avenue
 - 35. Shoreline Boulevard and La Avenida U.S. 101 Northbound ramps
 - 38. Shoreline Boulevard and Middlefield Road
 - 56. Mary Avenue and Central Expressway

As noted in the EIR, mitigation measures were considered for these impacts and improvements identified would not ultimately improve the intersection operations to an acceptable level of service. The realignment of the U.S. 101 northbound off-ramp at Shoreline Boulevard could mitigate traffic impacts at this location, but it would require approval by Caltrans. Since it cannot be assumed that Caltrans would approve a potential realignment of this off-ramp and the City cannot solely guarantee its implementation, this impact is designated as significant and unavoidable. However, the City will diligently pursue measures to fully mitigate this impact. No other improvements are feasible due to right-of-way constraints; therefore, the project's impact to these intersections is considered significant and unavoidable.

- **Freeway Impacts:** As shown in the EIR's Appendix D, project traffic would result in significant impacts to 61 freeway segments during the a.m. peak hour and 10 freeway segments during the p.m. peak hour. The complete mitigation of freeway impacts is considered beyond the scope of an individual development project or City plan, due to the inability of any individual project or City to: (1) acquire right-of-way for freeway widening, and (2) fully fund a major freeway mainline improvement. Freeway improvements also would require approval by VTA and Caltrans, and as such, the City cannot guarantee implementation of any improvement in the freeway right-of-way. Therefore, impacts to these freeway segments are considered significant and unavoidable.
- **Transit Vehicle Delay Impacts:** Implementation of the Precise Plan would result in a significant and unavoidable effect on transit vehicle operations at intersections with a significant and unavoidable determination. Transit operational improvements could potentially improve the overall reliability of transit in congested areas, but not reduce unacceptable operating intersections to an acceptable level of service resulting in a significant and unavoidable impact to transit vehicle services. The Precise Plan Transportation Impact Analysis (TIA) notes that the Shoreline Corridor Transportation Study includes strategies to improve transit vehicle delay, but it did not presuppose any particular outcome of the Study due to timing issues between the Precise Plan EIR and the Study. The TIA notes that some of the mitigations identified in the Precise Plan EIR analysis may be further elaborated upon in the Corridor Study.
- **Criteria Pollutant Standards:** Implementation of the Precise Plan, consistent with the General Plan assumptions for office and commercial space development, would not result in new or greater air quality impacts for criteria pollutants than previously identified for the 2030 General Plan. While the Precise Plan project includes an extensive TDM program and control measures to reduce vehicle miles travelled (VMT), the Precise Plan project would increase VMT greater than population, and could contribute to or result in a violation of air quality standards for criteria pollutants as previously identified in the General Plan Program Final EIR. Therefore, the project would contribute to the same significant impact related to the emissions of criteria air pollutants and their precursors as identified in the 2030 General Plan Final EIR.

E. Cumulative Impacts

- **Cumulative Transportation Impacts:** The cumulative projects, including the Precise Plan, would result in cumulatively significant and unavoidable impacts to intersection, freeway, and transit levels of service.
- **Cumulative Air Quality Impacts:** Implementation of the Precise Plan, together with the other development in the 2030 General Plan, would result in a cumulatively considerable increase in criteria pollutant emissions, based upon a projected increase in vehicle miles traveled that is greater than population growth.

All other impacts of the proposed project would be mitigated to a less-than-significant level with incorporation of the Precise Plan standards and guidelines, applicable project-level mitigation measures, and General Plan policies and actions identified in this EIR.

The significant unavoidable impacts will require the adoption of a Statement of Overriding Considerations by the City Council at the time the Final EIR is certified. A Statement of Overriding Considerations demonstrates that the benefits of a project outweigh the significant unavoidable impacts. The following benefits of the project have been included in the attached “Statement of Overriding Considerations” (see Attachment 1, Exhibit A):

1. Implements the City’s General Plan vision, goals, policies, and allowed land uses and intensities for the North Bayshore Change Area, as described in Section 2.4 (Project Goals and Objectives) of the Draft Environmental Impact Report.
2. Establishes land use regulations to develop four distinct “character areas” for North Bayshore which will improve the physical design of the environment and help shape and define public areas, as detailed by the urban design strategies in Chapter 3 of the Precise Plan;
3. Includes land use strategies such as a Habitat Overlay Zone and Transfer of Development Rights within the Precise Plan that preserves and enhances the area’s natural habitat areas and ecosystems;
4. Incentivizes highly sustainable development in the Precise Plan area through the Plan’s Bonus FAR system and other strategies;

5. Identifies improvements to the transportation system for all transportation modes as detailed in Chapter 8 (Implementation) of the Precise Plan, and includes a North Bayshore Precise Plan funding strategy in Section 8.2 of the Plan to implement said improvements;
6. The Plan will result in fiscal benefits to the City through increased property tax revenue, as documented in the 2030 General Plan's fiscal analysis, and through private development financial contributions to district-level improvement projects, as outlined in the Precise Plan Funding Strategy, and to be implemented through development impact fees as determined by the North Bayshore Nexus Study.

The EPC (6-0) recommended certification of the EIR.

FISCAL IMPACT

The Zoning Ordinance requires a fiscal analysis for new Precise Plans and Precise Plan amendments. The North Bayshore Precise Plan growth and land use assumptions are consistent with the 2030 General Plan and, therefore, are also consistent with the General Plan's fiscal analysis completed in 2012. That analysis found that new development would be expected to bring increases in revenue from public improvement and park fees and property and sales taxes. The study also found that City costs may also increase for public services due to an increase in the City's population, including its daytime population. However, the analysis found that the General Plan would result in future City revenues that would exceed City costs for services.

CONCLUSION

Staff is recommending that the City Council adopt the North Bayshore Precise Plan, certify the EIR, and adopt the associated resolutions and ordinance.

ALTERNATIVES

1. Recommend modifications to the Draft Precise Plan and proposed changes that would remain substantially consistent with the Precise Plan's overall strategies, objectives, principles, and implementation, and which would not trigger any additional environmental analysis.
2. Find that the proposed benefits of the project do not outweigh the environmental impacts and recommend findings for denial of the EIR.

PUBLIC NOTICING

Agenda postings and courtesy notices were sent to the North Bayshore Precise Plan interested parties list and all North Bayshore property owners.

Prepared by:

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Principal Planner

Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

MA/5/CAM
891-11-25-14CR-E

- Attachments:
1. Resolution Certifying the North Bayshore Precise Plan Final Environmental Impact Report
 2. Resolution Amending the General Plan Map
 3. Ordinance Amending the Zoning Map
 4. Resolution Approving the North Bayshore Precise Plan
 5. Resolution Adopting Bonus FAR Review Guidelines
 6. Revised Bonus FAR Tiers
 7. Revised Architectural Graphics and Diagrams
 8. Revisions to Chapter 6 Mobility Graphics and Table
 9. Revised Precise Plan Chapter Figures