

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING THE EAST WHISMAN PRECISE PLAN (P-41) RELATED TO
PROJECTS AUTHORIZED BEFORE PLAN ADOPTION AND OTHER MINOR
MODIFICATIONS AND FINDING THAT THE AMENDMENTS ARE EXEMPT FROM
REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, additional language is necessary to implement Council direction related to projects authorized prior to adoption of the Precise Plan and to clean up map and text errors; and

WHEREAS, procedures set forth in Chapter 36, Article XVI, Division 11, of the Mountain View City Code, whereby the City can amend a Precise Plan, have been executed; and

WHEREAS, Chapter 36 of the City Code requires the City's Environmental Planning Commission and City Council each hold a duly noticed public hearing before a Precise Plan is amended; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on September 1, 2021 and recommended the City Council approve the East Whisman Precise Plan Amendments; and

WHEREAS, the City Council held a public hearing on November 9, 2021 and received and considered all evidence presented at said hearing regarding the East Whisman Precise Plan Amendments, including the recommendation from the Environmental Planning Commission, City Council report, project materials, testimony, and written materials submitted;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that the City Council hereby makes the findings for amendment of a Precise Plan, pursuant to Section 36.50.95 of the City Code:

1. The proposed Precise Plan is consistent with the General Plan because it facilitates a collaboration with the Los Altos School District to create a new school and park, consistent with General Plan Goal POS-5 ("Cooperation between the City and local school districts to meet shared open space, recreation and education needs"), and it

supports the development of a broad range of income levels, consistent with Housing Element Policy 1.5.

2. The property covered by the proposed Precise Plan Amendment is within the Planned Community (P) District.

3. The proposed Precise Plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the amendments are minor in nature and improve the clarity and transparency of adopted policy.

4. The proposed Precise Plan promotes development of desirable character, harmonious with existing and proposed development in the surrounding area, because the amendments are minor in nature and maintain the goal of balancing jobs and housing in East Whisman.

5. The site has special conditions of size, shape, land ownership, existing development, or development opportunities that can only be addressed by approval of the proposed Precise Plan Amendment because the affected projects were authorized for transfers of development rights prior to adoption of the Precise Plan.

6. The approval of the proposed Precise Plan Amendments is in compliance with the provisions of the California Environmental Quality Act (CEQA) because they are exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule (“common sense” exemption) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. No physical development is proposed as part of the project, and the project would not result in the potential for increased allowed density, areas of new development, or new allowed land uses within the City of Mountain View.

BE IT FURTHER RESOLVED that the East Whisman Precise Plan Amendments as shown in Exhibit A, attached hereto and incorporated herein by reference, are hereby approved.

EA/6/RESO
899-11-09-21r

Exhibit: A. East Whisman Precise Plan Amendments

Other Character Area Standards

1. **South Employment Area TDR Bonus FAR.** When authorized by the City Council through a Citywide Transfer of Development Rights (TDR) program, projects may be allowed up to an additional 0.25 Bonus FAR, up to a Maximum with Bonus of 0.75 FAR, not including the TDR. This additional floor area is subject to compliance with the Plan's Bonus FAR requirements, including community benefits, jobs-housing linkage, and green building. This section shall only apply to sites in the South Employment Area, as shown in Figures 3-12 and 15.
2. **Street Wall Location – Ellis Street.** Building facades shall be located within 20' of the planned inside edge of the public sidewalk along Ellis Street. Building breaks are appropriate for parks and high-quality open spaces, articulation, forecourts, active amenity areas, preservation of significant Heritage trees, new streets and greenways, and access to the interior of a lot. Surface parking shall not be used to interrupt the street wall.
3. **Street Wall Height – Ellis Street.** The maximum average street wall height shall be 65' on Ellis Street. Above this height, buildings shall step back 10' from lower floor building facades along public streets. Taller street wall height may be appropriate to support variation, articulation and interest, but the required average shall be maintained. Building walls within 50' of Key Corners are exempt from this requirement.
4. **CLUP Turning Safety Zone.** All development proposed in the Moffett Field Comprehensive Land Use Plan (CLUP) Turning Safety Zone, along the east edge of the North Employment Area, shall comply with the density and land use requirements thereof.

Signage

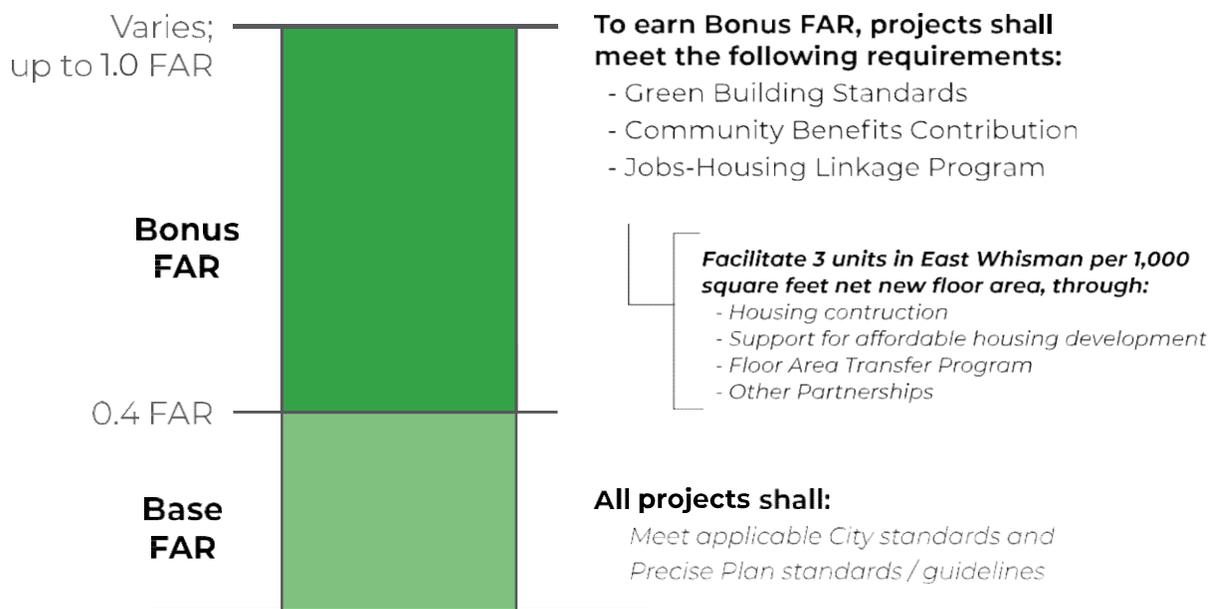
1. **Relation to Zoning Ordinance.** Signs shall be subject to the sign regulations in the Zoning Ordinance regarding exempt signs, prohibited signs, and general sign regulations, unless otherwise specified below.
2. **Building, Real Estate and Other Signage.** Properties within the Employment Character Area are subject to the ML Zone sign standards, except as provided below. Illumination is allowed, subject to design review, except real estate signs.
3. **Monument Signs.** Monument signs are only allowed where the building's façade is setback 20' or more from the inside edge of the public sidewalk, paseo or multi-use path. Signs shall be compatible and complimentary to the building and landscape design. Illumination is allowed, subject to design review.
4. **Upper Floor Signs.** Each building is allowed no more than one sign above the second floor. Signs shall be placed below the lowest level of the cornice and are prohibited on any parapet or roof screen. Illumination is allowed, subject to design review and impacts to nearby properties.
5. **Pedestrian Signs.** One pedestrian sign for each occupancy frontage along a street, paseo, greenway or multi-use path is permitted, and not included in the maximum aggregate sign area. The pedestrian sign shall be no larger than 6 square feet per sign face. Signs may have indirect lighting or be unlit. Lighting is not included in the sign area.
6. **Neighborhood Commercial Uses.** Neighborhood commercial uses with occupancy frontage along a street, paseo, greenway or multi-use path are permitted one building-mounted sign per occupancy, not included in the maximum aggregate sign area. The sign shall be no larger than 1 square foot per foot of the primary occupancy frontage. Additional signage for major tenants may be permitted within the maximum aggregate sign area, with a Master Sign Program, subject to design review.

6.1.3 Non-Residential Bonus FAR Standards

1. **Office/R&D/Industrial Bonus FAR.** To exceed the allowed Base FAR with office, R&D or industrial floor area, projects must acquire square footage through one of the following processes:
 - a. Request and receive square footage from the Development Reserve.
 - b. Acquire square footage from a residential development that is demolishing office, R&D, or industrial square footage through the Floor Area Transfer process.
2. **Eligibility for Bonus FAR.** Non-residential projects may pursue Bonus FAR if they meet all of the following requirements, in addition to the general requirements above.
 - a. **Green Building.** Achieve LEED Platinum or equivalent;
 - b. **Community Benefits Contribution.** Provide community benefit contributions or construct district improvement projects as defined within Section 6.1.2 above; and
 - c. **Jobs-Housing Linkage Program.** Office, R&D, and industrial Bonus FAR applicants shall submit a Jobs-Housing Linkage Plan as described in Section 6.1.4 below. This does not apply to hotels ~~and~~ neighborhood commercial uses, or projects with gatekeeper authorization prior to November 5, 2019.

Figure 42

Non-Residential Bonus FAR Process



6.1.4 Jobs-Housing Linkage Program

1. **Plan Requirement.** Prior to any project approvals, the project applicant shall submit a Jobs-Housing Linkage Plan that proposes how the project applicant intends to facilitate residential development in East Whisman.
2. **Outcomes.** Specific outcomes of the Plan shall include:
 - a. **Value of Jobs-Housing Strategies.** The proposed strategies to facilitate residential development shall be roughly proportional to the net new floor area. Each 1,000 square feet of net new floor area should be associated with at least 3 housing units. The proportion may be less if affordable units are provided in excess of the City's inclusionary requirements (1.5 units per 1,000 square feet, as specified in the development reserve set-aside), or if other housing-related policy goals are met.
 - b. **Timing.** A phasing or housing delivery plan shall be included in the Jobs-Housing Linkage Plan. Proposed strategies, including the construction of residential units, should be implemented before non-residential building occupancy, unless otherwise determined by the City Council. Strict timing requirements may be modified if additional certainty is provided (such as a deed restriction or land dedication to an affordable housing developer).
3. **More Housing Growth.** At the discretion of City Council, the Jobs/Housing Linkage Program requirement may be suspended if housing growth in East Whisman outpaces non-residential growth.
4. **Dedication or Sale of Land.** The site shall be suitable for housing development in terms of its configuration, physical and environmental characteristics, access, location, adjacent uses, and other relevant planning criteria.
5. **Partnerships.** Subject to requirements established by the Jobs-Housing Linkage Program Administrative Guidelines, office projects may partner with residential projects to satisfy the Jobs-Housing Linkage Program requirement. Residential gatekeeper projects authorized prior to November 5, 2019 are not eligible for partnerships with office projects to satisfy the program standard in section 2.a above, but may utilize the provisions of section 6 below as part of partnerships with office projects.
6. **Floor Area Transfer.** Under the circumstances specified below, and subject to timing requirements established by the Jobs-Housing Linkage Program Administrative Guidelines, residential development may maintain rights to demolished office, R&D or industrial floor area, rather than adding it into the Development Reserve. The purpose of this program is to provide residential developers an additional marketable asset to facilitate housing development. The transferred floor area is not added to or subtracted from the Development Reserve. This floor area is not considered net new floor area, and is exempt from other Jobs-Housing Linkage requirements.
 - a. **Maximum FAR.** No project site shall exceed its Maximum FAR.
 - b. **Affordable Housing.** At least 15% of onsite housing within the "sending" residential development shall be affordable housing that meets the City's Below Market Rate Housing Ordinance and Guidelines.
 - c. **Deductions.** The "receiving" non-residential project may deduct the transferred square footage in their Housing Impact Fee and determination of community benefits contribution.
 - d. **Public Schools, Parks and Similar Uses.** This allowance may also be used to facilitate public schools, parks or other uses that benefit the public within East Whisman.

6.1.5 Residential Bonus FAR Standards

1. **Residential Bonus Floor Area.** Residential Bonus Floor Area is equal to the floor area proposed in projects containing residential uses in excess of the Base FAR for all buildings, except floor area deemed Non-Residential Bonus Floor Area.
2. **Eligibility.** Projects may pursue East Whisman Residential Bonus FAR if they meet all of the following requirements:
 - a. **Location.** The project is within the Mixed-Use or Village Center Character Areas;
 - b. **City Density Bonus.** The project is not seeking and/or receiving a density or development bonus under the City Density Bonus Option (California Government Code Section 65915 et seq. or Mountain View City Code Section 36.14.);
 - c. **Green Building.** Achieve 120 points on the Green Point Rated system or equivalent and submeter, or use other appropriate technology that can track individual energy use, for each residential unit;
 - d. **Community Benefits Contribution.** Provide community benefit contributions or construct district improvement projects as defined within the general requirements above; and
 - e. **Affordable Housing.** Provide at least 15% affordable units. All projects shall comply with the City-wide Below-Market-Rate (BMR) Housing Program (Article XIV of the Zoning Code and the BMR Administrative Guidelines), including on-site BMR requirements, qualifying households, determination of rents and sale prices, alternative mitigations, timing and administration, in addition to the following:
 - i. Projects shall provide any of the following:
 - At least 5% of their Base-FAR-equivalent number of units, rounding up, affordable at 50% areawide median income (AMI) or lower (rental units provided only).
 - At least 10% of their Base-FAR-equivalent number of units, rounding up, affordable at 80% AMI or lower (rental units provided only).
 - At least 10% of their Base-FAR-equivalent number of units, rounding up, affordable at 110% AMI or lower (ownership units provided only).¹
 - ii. Units provided through alternative mitigation must be in East Whisman.

And with the following exception:

iii. Projects with gatekeeper authorization prior to November 5, 2019 are exempt from BMR requirements related to the weighted average of BMR income levels.

¹ These provisions allow the East Whisman Precise Plan to meet the requirements of the State Density Bonus Law by providing these minimum percentages of units at these household incomes.

Figure 4: Maximum Building Heights | page 33

Figure 4
Maximum Building Heights

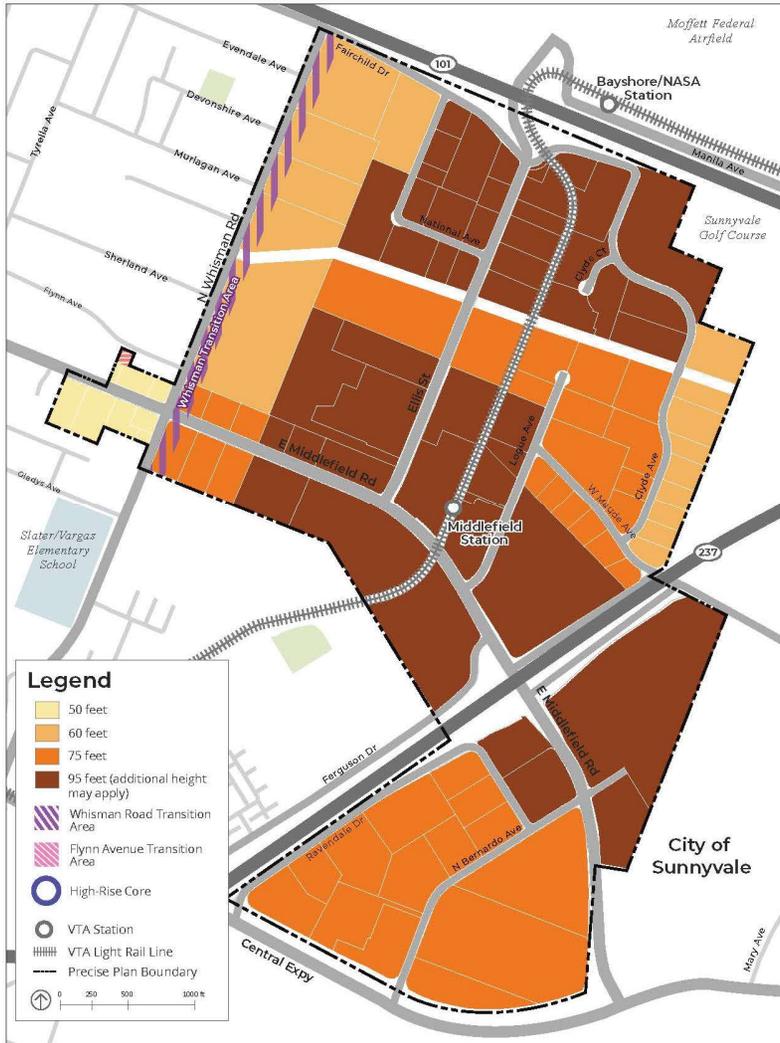


Figure 4
Maximum Building Heights

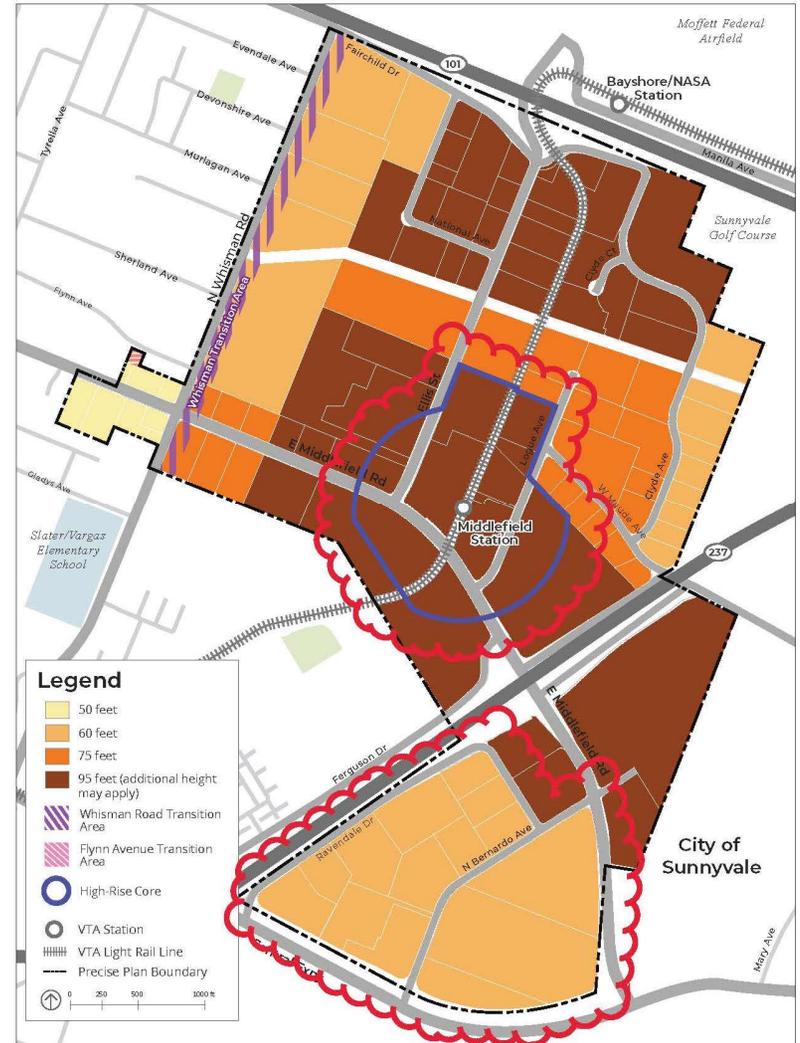
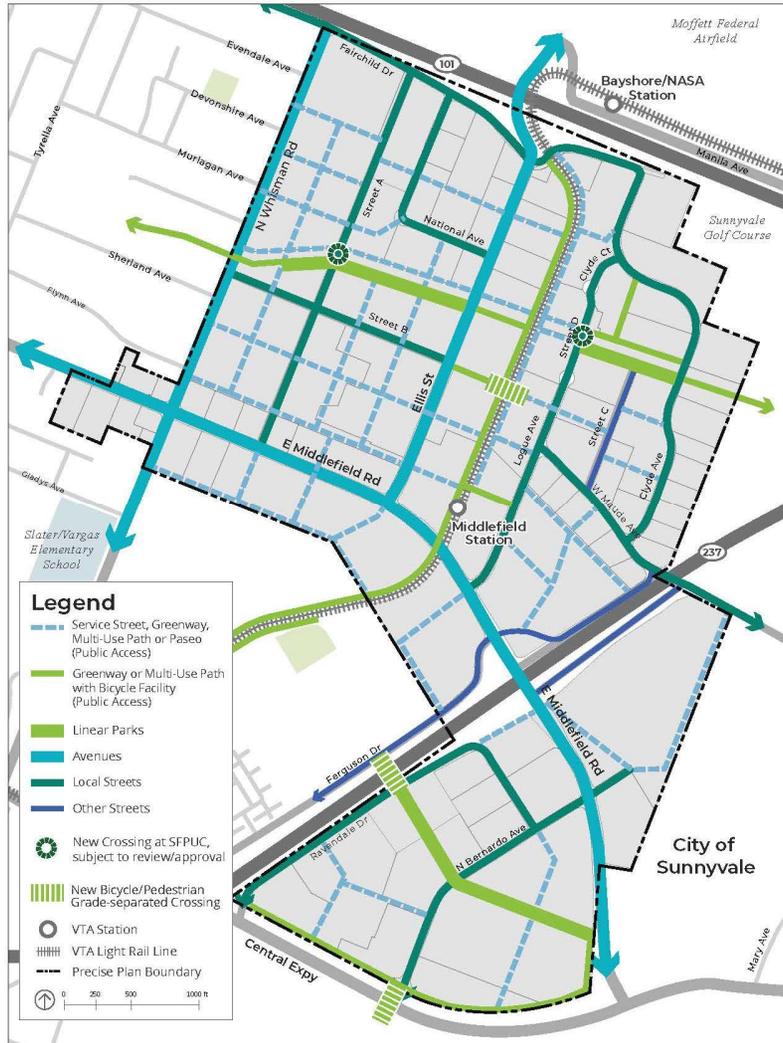
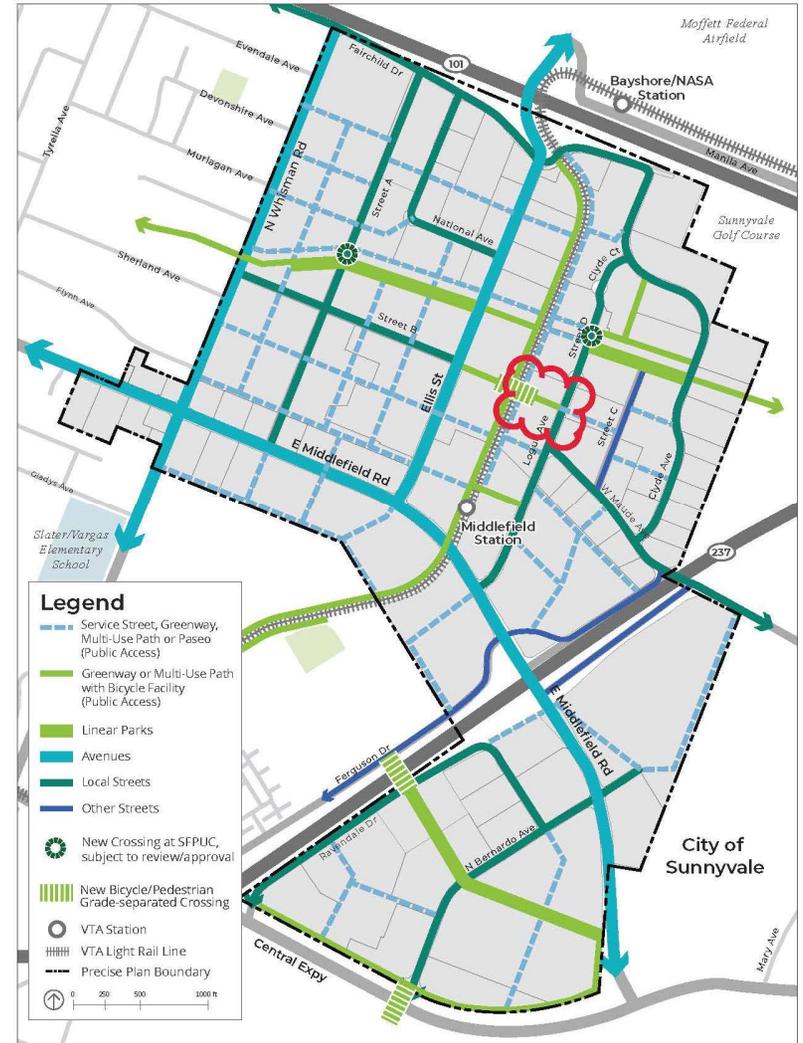


Figure 9
Public Circulation Network



Street and path locations are conceptual. Exact locations will be determined through the development review process.

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Public Circulation Network



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Figure 15: Employment Character Areas | page 71

Figure 15

Employment Character Areas

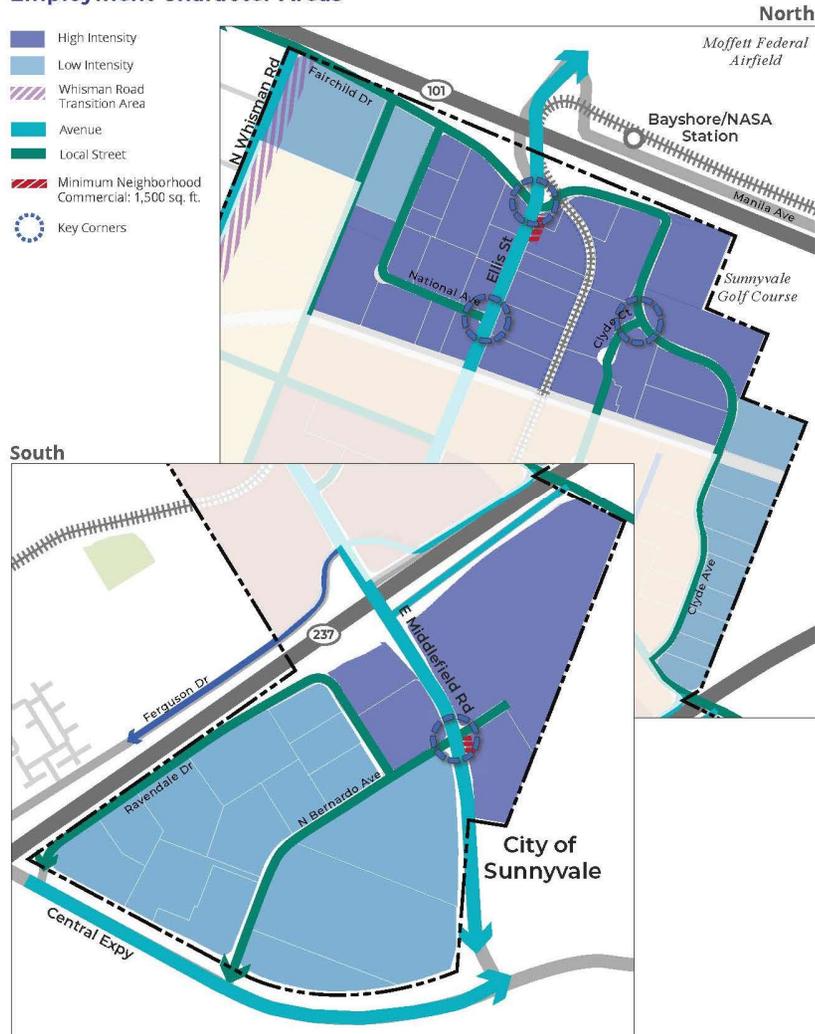


Figure 15

Employment Character Areas

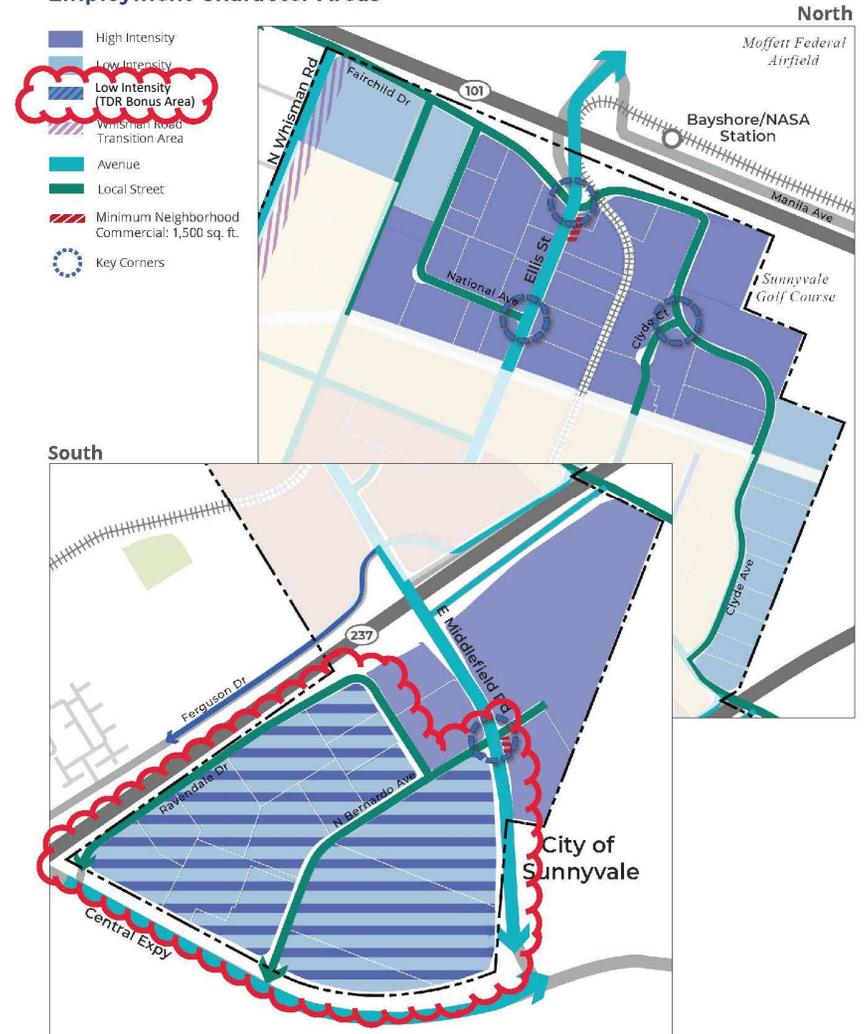
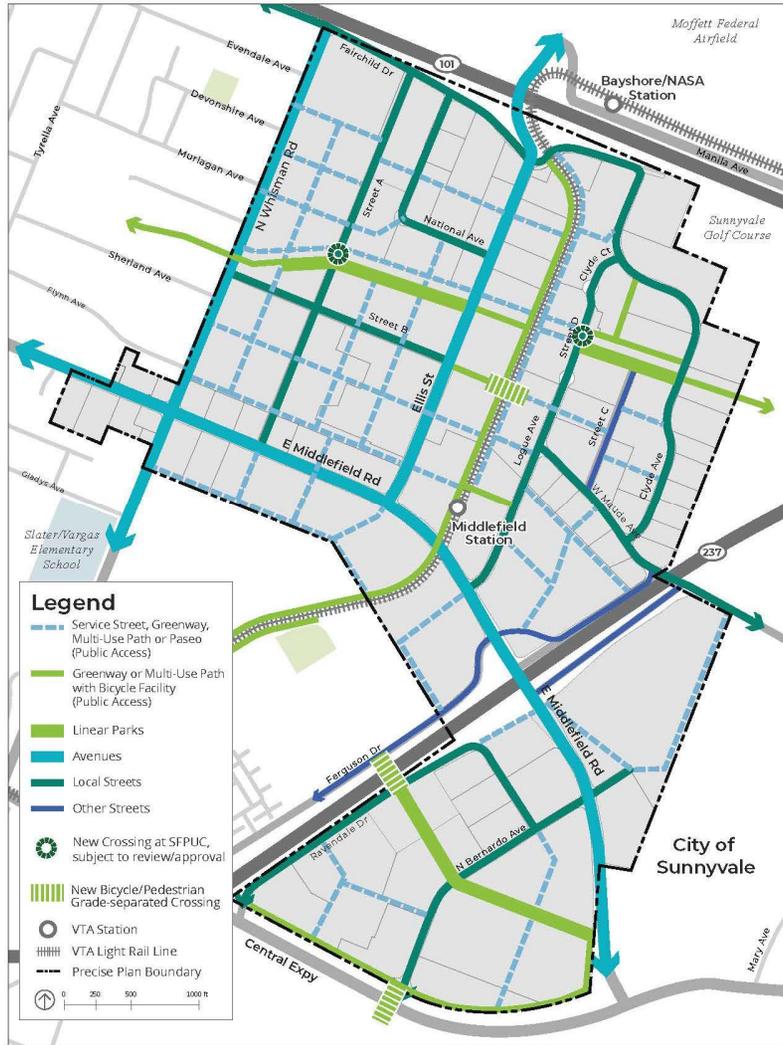
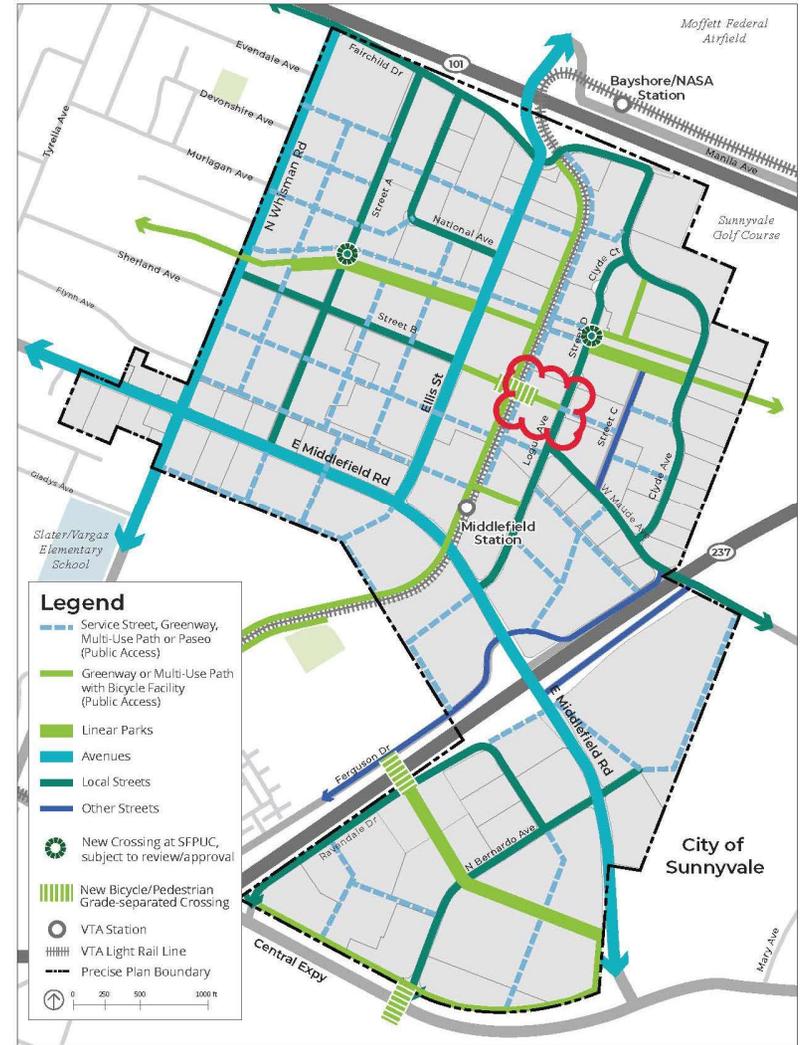


Figure 9
Public Circulation Network



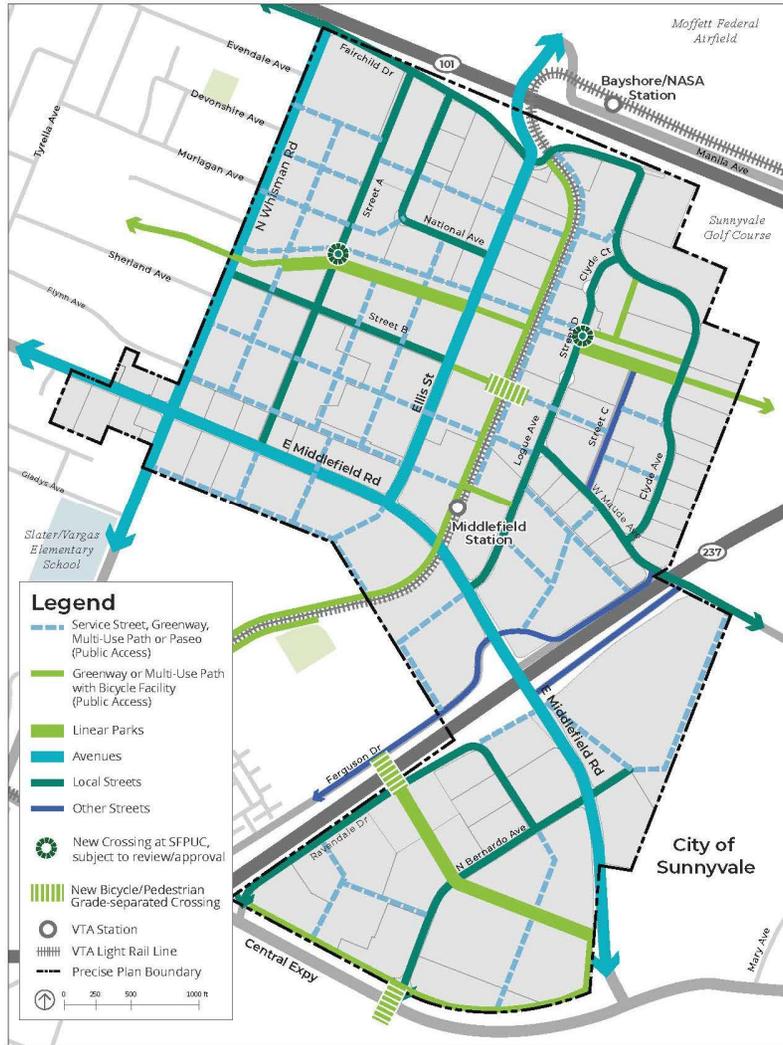
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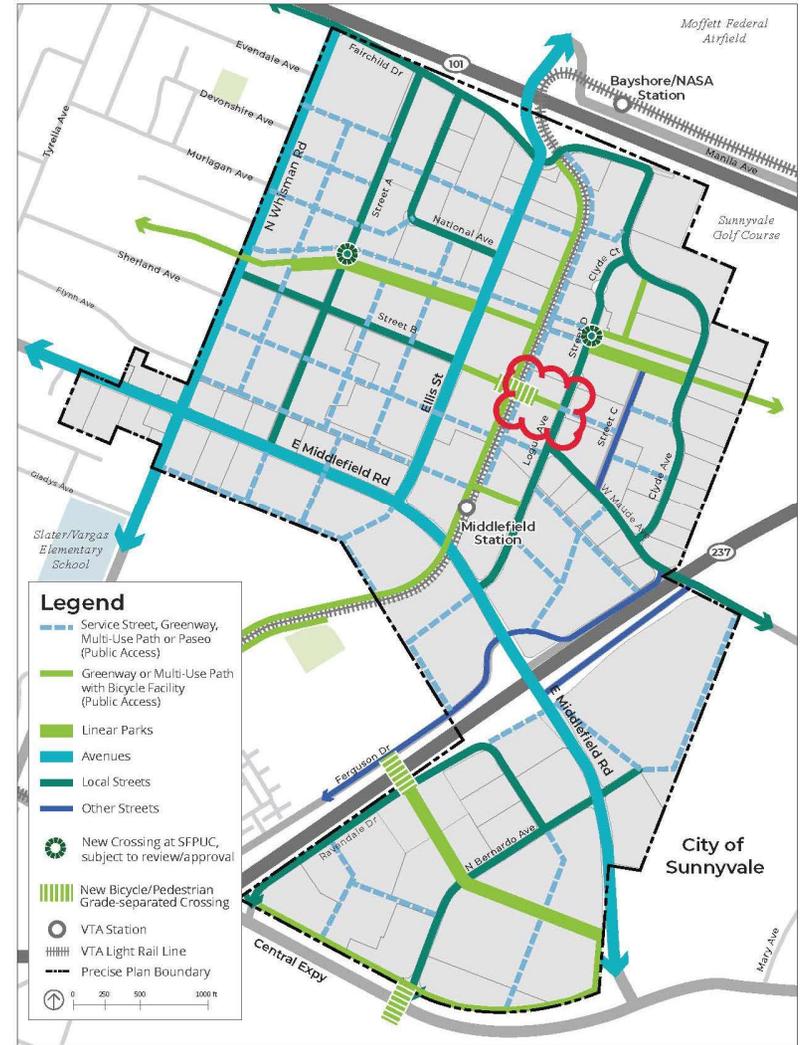
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