



DATE: November 9, 2021

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Minor East Whisman Precise Plan (P-41) and Zoning Code Amendments**

RECOMMENDATION

1. Introduce an Ordinance of the City of Mountain View Amending Article XIV of Chapter 36 (Zoning) of the City Code Related to the Application of Affordable Housing Program Standards and Exemptions and Finding that the Amendments are Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3), to be read in title only, further reading waived, and set a second reading for December 14, 2021 (Attachment 1 to the Council report).
2. Adopt 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), to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

To fund the acquisition of school land within the City for the Los Altos School District, Council authorized the Transfer of Development Rights (TDR) program on January 16, 2018. Concurrently with the establishment of the TDR program, Council also authorized six TDR Gatekeeper projects. Of the six TDR Gatekeeper projects authorized on January 16, 2018, four of the authorizations were located in what is now the East Whisman Precise Plan area: 465 Fairchild Drive and 636 Ellis Street (Sobrato); 355-365, 401, and 415 East Middlefield Road (SummerHill); 303-311 Ravendale Drive (a Sand Hill project, since withdrawn); and 189 North Bernardo Avenue (Sand Hill). Also located within the East Whisman Precise Plan is 400 Logue Avenue (Miramar), which was authorized for TDR on May 22, 2018.

On June 25, 2019, the City adopted the Phase 2 Below-Market-Rate (BMR) requirements, including a weighted average income level calculation requirement. An exemption from the Phase II BMR requirements was granted for projects that were deemed “Council-ready” by December 20, 2019. The SummerHill project was deemed “Council-ready,” while the Miramar project was not.

The East Whisman Precise Plan was adopted on November 5, 2019. The SummerHill project was approved on May 5, 2020. The Sobrato project was approved on November 17, 2020. The Miramar project was approved on June 22, 2021. None have received building permits yet.

ANALYSIS

The East Whisman Precise Plan includes jobs-housing linkage requirements, the purpose of which is to improve the ratio of housing to jobs. It requires new office projects to facilitate the production of housing in the area. This gives residential projects the opportunity to profit from these required partnerships.

At the adoption hearing, Council directed staff to apply the following to the previously authorized TDR projects:

- Office projects were exempted from the jobs-housing linkage requirements.
- To maintain the balance of jobs and housing among TDR projects, residential TDR projects were deemed ineligible for partnerships with future office development, except where the net amount of office is not increasing (the “Floor Area Transfer” program).
- To keep residential projects within the TDR program, they could provide an alternative mix of affordable unit incomes.

SummerHill, Sobrato, and Miramar approvals were consistent with the provisions above. To ensure this Council direction can be implemented, staff recommends the attached minor Precise Plan and Code Amendments. The Precise Plan Amendments are narrow in scope, applying only to projects in the Precise Plan receiving Council authorization before November 5, 2019.

Several typos and map errors were identified in the East Whisman Precise Plan, which are also proposed for correction. Page 73 had a typo for the Figure reference. The modification of Figure 4 corrects the maximum height in the Bernardo area to be consistent with the table on Page 72 and adds the “high rise core” for clarity, whose

standards previously existed on Page 59 of the Precise Plan. The modification of Figures 9, 17, and 21 (all identical) requires a bicycle path to be provided on both sides of a proposed light rail crossing, and the modification of Figure 15 adds the TDR Bonus Area to the figure for clarity, as described in Standard 1 on Page 73.

Staff also recommends amendments to Article XIV of the Zoning Ordinance (Affordable Housing Program) so that Precise Plans can vary from and supersede the Ordinance if alternative BMR provisions are specifically and expressly set forth in the Precise Plan. This is necessary for the Council direction above as well as for implementing the North Bayshore Precise Plan affordable housing requirements, which differ from the Citywide requirements for income mixes, land dedication, and submittal requirements.

Staff recommends another clean-up amendment to Article XIV of the Zoning Ordinance to ensure that 100% affordable housing projects are not required to comply with inapplicable provisions of the Code, such as the requirement to serve two or more income levels. This clarifying change aligns with the original purpose and intent of the Ordinance, which is to establish standards for the inclusion of BMR units in market-rate developments.

Environmental Planning Commission

On September 1, 2021, the Environmental Planning Commission (EPC) reviewed the attached amendments and unanimously recommended their approval. There were no public comments or additional comments from the EPC.

Airport Land Use Commission

On October 27, 2021, the Airport Land Use Commission reviewed these amendments and found them consistent with the Moffett Federal Airfield Comprehensive Land Use Plan.

FISCAL IMPACT – None.

ALTERNATIVES

1. Do not approve the ordinance and/or adopt the resolution.
2. Modify the ordinance and/or the resolution.

PUBLIC NOTICING

The City Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's internet website. All property owners and residents within a 750' radius of the East Whisman Precise Plan and other interested stakeholders were notified of this meeting.

Prepared by:

Eric Anderson
Principal Planner

Approved by:

Aarti Shrivastava
Assistant City Manager/
Community Development Director

Kimbra McCarthy
City Manager

EA/6/CAM
899-11-09-21CR
201226

Attachments: 1. Ordinance
 2. Resolution