



October 14, 2025

Re: October 15, 2025, Agenda Item 5.1 – 749 West El Camino Real

Dear Chair Gutierrez and Members of the Environmental Planning Commission:

The League of Women Voters (LWV) supports actions that increase the stock of housing and affordable housing.

The League supports the proposed project on 749 West El Camino Real and particularly the inclusion of below market rate units.

Please send any questions about this letter to Kevin Ma, Co-Chair of the Housing Committee, at housing@lwvlamv.org.

Sincerely,

/s/

Katie Zoglin
President
Los Altos-Mountain View Area LWV

C: Margaret Netto
Amber Blizinski
Christian Murdock

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October 15, 2025

Via E-mail (epc@mountainview.gov)

Environmental Planning Commission
City of Mountain View
500 Castro Street, First Floor
Mountain View, CA 94039-7540

Re: Agenda Item 5.1 - 749 W. El Camino Real Project — Applicability of State Housing Law Protections, including Housing Accountability Act, SB 330 and State Density Bonus Law

Dear Environmental Planning Commissioners:

We represent Metropolitan Life Insurance (“MetLife”) in connection with the 749 W. El Camino Real Project being considered as Item 5.1 on tonight’s agenda.

The purpose of this letter is to do the following:

- (1) Provide a brief, and important, reminder of certain applicable state housing laws that protect the Project by compiling and resending all of our prior legal letters for your review and information. As noted in the Staff Report, the Project submitted a complete SB 330 Preliminary Application on January 7, 2022, submitted a formal application on June 30, 2022 and was determined complete on September 26, 2024. These letters were all submitted to the City as part of this application process.
- (2) Bring to the EPC’s attention that this Project is identified as a pipeline project on the City’s certified 6th Cycle Housing Element and will contribute to the City’s Regional Housing Needs Assessment goals.¹
- (3) Note that the applicant team is still reviewing the City’s findings and proposed conditions of approval and will continue to work with City staff to ensure consistency with the applicable state housing laws; therefore, the applicant expressly reserves all rights under

¹ [Microsoft Word - ADOPTED Mountain View HEU 04 26 2023 clean](#) (viewed 10/14/2025)
see Appendix E p. 309, 310, and 321.

October 15, 2025

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all applicable law to comment as the Project proceeds to approval.

The applicant team is extremely excited to bring this important housing project to fruition after many years of working collaboratively with the City and extensive outreach to the community.

Sincerely yours,

HOLLAND & KNIGHT LLP



Tamsen Plume

Cc: Jennifer Logue, City Attorney
Celena Chen, Senior Assistant City Attorney
Christian Murdock, Community Development Director
Amber Blizinski, Assistant Community Development Director
Margaret Netto, Consulting Senior Planner
Jennifer Ng, Public Works Director
Dan Deibel, Greystar
Randy Ackerman, Greystar
Jorden Geller, Greystar
Emily Lieban, Holland & Knight, LLP

Enclosures:

Holland & Knight, LLP letter dated June 29, 2022 (749 W. El Camino Real Project -Transmittal of Formal Application; Transmittal of State Density Bonus Law Letter; Applicability of Housing Accountability Act and Permit Streamlining Protections.

Holland & Knight, LLP letter dated Oct. 26, 2022 (749 W. El Camino Real Project – State Density Bonus Law Letter of Intent) [*note, this is the same as Exhibit 5 to the Staff Report; transmitted again with the March 23, 2023, submittal*]

Holland & Knight, LLP letter dated March 23, 2023 (749 W. El Camino Real Project – Transmittal of Third Formal Application; Transmittal of State Density Bonus Law Letter; Applicability of Housing Accountability Act and Permit Streamlining Act Protections)

Holland & Knight, LLP letter dated January 30, 2025 (749 W. El Camino Real Project Voluntary Improvements Related to Loading Dock on Lane Avenue)

Holland & Knight

Tamsen Plume
[REDACTED]
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Emily M. Lieban
[REDACTED]
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June 29, 2022

Via E-mail (planning.division@mountainview.gov)

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Assistant City Manager/Community Development
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Stephanie Williams
Planning Manager
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**Re: 749 W. El Camino Real Project — Transmittal of Formal Application;
Transmittal of State Density Bonus Law Letter; Applicability of Housing
Accountability Act and Permit Streamlining Act Protections**

Dear Ms. Shrivastava and Ms. Williams:

We represent Metropolitan Life Insurance (“MetLife”) in connection with its application to redevelop two parcels totaling 3.1 acres located at the intersection of W. El Camino Real and Castro Street (APN 193-02-049 and APN 193-02-050) with 299 apartment homes and approximately 23,000 square feet of commercial space (the “Project”) in Mountain View, California (the “City”), as submitted by MetLife’s agent and representative Greystar. The 3.1 acre site at 749 W. El Camino Real is considered a Housing Element housing inventory site with a capacity for 186 units¹—redeveloping the site with 299 rental units is consistent with and will assist in meeting the City’s housing goals. Pursuant to the City’s inclusionary housing requirements for rental projects, the Project will provide 16% of its base units (205 units) as income-restricted affordable housing including 31 available at the very low income affordability

¹ City of Mountain View, 2015-2023 Housing Element (2014) at pp. 148, 158 (allowed capacity calculated using the density of 60 dwelling units per acre under its then-applicable CRA zoning).

level and 2 available at the low income affordability level.²

A preliminary application was submitted for the Project on January 7, 2022. On February 7, 2022, the City deemed the application complete. Consistent with Government Code § 65941.1(d)(1), we are now providing the formal application within 180 calendar days.

The purposes of this letter are to:

1. Note the eligibility of the Project as a qualifying “housing development project”³ for protections under the Housing Accountability Act (Gov. Code § 65589.5) (“HAA”) and Permit Streamlining Act (Gov. Code § 65920 et seq.), including as amended by Senate Bill 330 - Housing Crisis Act of 2019 (“SB 330”); and
2. Transmit the enclosed State Density Bonus Law Application, which documents current waiver requests and reserves certain other rights under the State Density Bonus Law (Gov. Code § 65915) (and the Mountain View Municipal Code (“MVMC”) § 36.48.65 et seq.). Please see the enclosed Mountain View Chase – State Density Bonus Law Letter and Reservation of Rights for further details.

Housing Accountability Act

The Housing Accountability Act requires that the City approve qualifying housing development projects. The Project is protected under the Housing Accountability Act because the Project consists of more than two-thirds residential uses and complies with the City’s objective standards and criteria (except to the extent modified by the State Density Bonus Law).

Further, SB 330 (Chapter 654, Statutes of 2019) defined the word “objective” to mean:

involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official (Gov. Code, § 65589.5(h)(8)).

² The Project intends to comply with state and City requirements regarding the mix, features, and dispersal of affordable units.

³ “Housing development project” includes either “(A) Residential units only, or (B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.” Gov. Code § 65589.5(h)(2). The Project is more than 67% residential.

As the Court of Appeal recently explained, “A 2017 amendment adds teeth to this restriction by defining what it means to comply with such standards: a housing development project is deemed to comply if ‘substantial evidence ... would allow a reasonable person to conclude’ that it does.”⁴

When a project complies with the applicable objective standards, the City is only permitted to reject a project if there is a preponderance of evidence that the project would have a significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.”⁵ The Legislature has affirmed its expectation that these types of conditions “arise infrequently.”⁶ There is no evidence, let alone a preponderance of evidence, that the Project would have any impact on public health and safety that cannot be feasibly mitigated.

A broad range of plaintiffs can sue to enforce the Housing Accountability Act, and the City would bear the burden of proof in any challenge. Gov. Code § 65589.5(k). As reformed in the 2017 legislative session, the Housing Accountability Act makes attorney’s fees and costs of suit presumptively available to prevailing plaintiffs, requires a minimum fine of \$10,000 per housing unit for jurisdictions that fail to comply with the Act within 60 days, and authorizes fines to be multiplied by five times if a court concludes that a local jurisdiction acted in bad faith when rejecting a housing development.

A. Maximum Residential Density Applies.

Specific to this Project, we note that pursuant to both the Housing Accountability Act and the State Density Bonus Law, the Project is subject to the “maximum allowable residential density.” As a designated “Village Center,” the El Camino Real Precise Plan applies three tiers of density to the Project Site: (1) a base density of 1.35 FAR, (2) a Tier 1 density of 1.85 FAR, and (3) a Tier 2 density of 2.3 FAR.⁷ As explained in the State Density Bonus Law,⁸ where the controlling land use ordinance includes a range of applicable densities, the maximum allowable residential density is the maximum of the applicable range.

Because meeting either the base or Tier 1 FAR requirements would necessitate either reducing the density of the Project by losing units or significantly shrinking unit sizes, which does not “facilitate and accommodate development at the density allowed on the site and proposed by the housing development project,” the Precise Plan’s base and Tier 1 FAR maximums are legally inapplicable to the Project.

⁴ *California Renters Legal Advocacy and Education Fund v. City of San Mateo* (Sept. 10, 2021) ____ Cal.App.5th ____ (Case No. A159320).

⁵ Gov. Code § 65589.5(j).

⁶ Ch. 243, Stats. 2018 (adding subdivision (a)(3) to Gov. Code § 65589.5).

⁷ City of Mountain View, El Camino Real Precise Plan (2014), at 16.

⁸ See Gov. Code § 65915(o)(4).

B. The City Cannot Require Rezoning.

Specific to this Project, we also note that pursuant to both the Housing Accountability Act and the State Density Bonus Law, the Project cannot be required to comply with the Tier 2 processing requirements in the El Camino Real Precise Plan. The Precise Plan states that new construction utilizing Tier 2 FAR or height requires the approval of a Village Center (-VC) Floating Zone for the project site, which would be applied to the Zoning Map in combination with the Planned Community District using the Zoning Map Amendment Process in the Zoning Ordinance.⁹

AB 3194 (Chapter 243, Statutes of 2018) amended the Housing Accountability Act to state:

For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. (Gov. Code, § 65589.5(f)(4) (emphasis added)).

The California Department of Housing and Community Development (“HCD”) further confirmed that “the local agency may not require rezoning prior to housing development project approval.”¹⁰ Accordingly, as long as the Project meets the objective standards of the General Plan and El Camino Real Precise Plan (inclusive of the requested modifications to the zoning standards authorized pursuant to Density Bonus Law), the City cannot find the development to be inconsistent with the El Camino Real Precise Plan or mandate it be rezoned.^{11, 12}

C. The City Cannot Deny the Project Based on Public Benefits.

While the Project provides substantial public benefits in the form of its public plaza, redesigned and improved corner treatment at the intersection of El Camino Real and Castro Street, and affordable housing in excess of the City’s requirements both in terms of the number of units and the level of affordability, the City is prohibited from premising its approval of the permitted density on the provision of public benefits. The General Plan allows up to a 3.0 FAR and six stories “at key locations with significant public benefits and amenities specified within zoning or precise plan

⁹ Precise Plan, *supra* note 7, at, at 60.

¹⁰ HCD, Housing Accountability Act Technical Assistance Advisory (Sept. 2020), *available at* <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>.

¹¹ Letter from HCD to T. Plume (Holland & Knight) and T. Williams (City of Millbrae) re Housing Accountability Act and Density Bonus Law (Feb. 28, 2020), *available at* <http://www.hcd.ca.gov/community-development/housing-element/docs/smtMillbrae-TA-022820.pdf>.

¹² We note that reliance on the Housing Accountability Act is particularly necessary due to the City’s deferral of all gatekeeper applications until 2023. City staff has indicated that rezoning is required for any project proposing to provide Tier 2 under the El Camino Real Precise Plan and would trigger the gatekeeper process. On June 8, 2021, the City Council unanimously approved a proposal to defer all new gatekeeper requests until fall 2023.

standards.”¹³ The El Camino Real Precise Plan allows up to a 2.3 FAR and six stories in height with public benefits “with value proportional to the project’s building square footage in excess of 1.35.”¹⁴ The value of the square footage and any public benefits is an inherently subjective determination. The Precise Plan implicitly acknowledges this, explaining that Tier 2 developments “may be expected to provide public benefits in excess of established value during the Zoning Amendment process.”¹⁵ Indeed, the list of example public benefit projects provided in the Precise Plan “does not limit the City’s discretion to determine the appropriate level of public benefits required in exchange for increased density.”¹⁶ The public benefits requirement is therefore discretionary and subjective and the Project cannot be denied its permitted density on this basis under the HAA.

SB 330 and Qualifying Preliminary Application

As California’s housing supply and homelessness crisis continues, the State Legislature has for the past several years passed numerous pieces of housing legislation in each legislative session. In 2019, more than 30 individual pieces of housing legislation were enacted into law. In particular, SB 330 or the “Housing Crisis Act”¹⁷ created important new vesting rights for housing developments. As noted above, the Project is a qualifying “housing development” subject to the Housing Accountability Act and will therefore be subject to the provisions of SB 330. The applicability of several key protections that relate to the Project are discussed below.

Specifically and most immediately relevant to this Project, SB 330 amended the Permit Streamlining Act to specify that in the event the City determines the Project has not complied with the City’s formal application requirements and the application is incomplete, it must provide an “exhaustive list of items that were not complete” within 30 days; after that, no further requests can be made for items not on this initial list, and the Project would be deemed to comply.¹⁸ We look forward to receiving the City’s response no later than Friday, July 29, 2022.

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¹³ General Plan at 84.

¹⁴ Precise Plan, *supra* note 7, at 66.

¹⁵ Precise Plan, *supra* note 7, at 66.

¹⁶ Precise Plan, *supra* note 7, at 66 (emphasis added).

¹⁷ See https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330.

¹⁸ Gov. Code Section 65943.

Aarti Shrivastava
Stephanie Williams
June 29, 2022
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Thank you for your attention to this matter, we look forward to working with the City on bringing this project to fruition. For any questions related to the Project, please direct all communications to MetLife's agent and representative Greystar.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, appearing to be 'Tamsen Plume', written over a light blue horizontal line.

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October 26, 2022

Via E-mail (planning.division@mountainview.gov)

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Re: 749 W. El Camino Real Project — State Density Bonus Law Letter of Intent

Dear Ms. Shrivastava and Ms. Williams:

As described in our June 29, 2022 letter, we represent Metropolitan Life Insurance (“MetLife”) in connection with its application to redevelop two parcels totaling 3.1 acres located at the intersection of W. El Camino Real and Castro Street (APN 193-02-049 and APN 193-02-050) with 299 apartment homes and approximately 23,000 square feet of commercial space (the “Project”) in Mountain View, California (the “City”), as submitted by MetLife’s agent and representative Greystar. In response to comments from the City, the Project has been further refined. Pursuant to the City’s inclusionary housing requirements for rental projects, the Project will provide approximately 16% of its base units (209 units) as income-restricted affordable housing including 31 available at the very low income affordability level and 2 available at the low income affordability level.

The purpose of this letter is to apply for certain rights under the State Density Bonus Law (Gov. Code § 65915, and reserve the right to apply for others at a later date. Pursuant to the State Density Bonus Law and Mountain View Municipal Code (“MVMC”) § 36.48.65 et seq., because

it will provide more than 14% of its units at the very low income affordability level, the Project is entitled to all of the following *separate* categories of incentives:

- (1) An up to 46.25% density bonus over the base density (43.1% bonus applied for at this time; please see details below);
- (2) 2 mandatory concessions or incentives (one concession applied for at this time; please see details below);
- (3) any required physical waivers of development standards to accommodate the Project (nine waivers applied for at this time, please see details below); and
- (4) applicable mandatory residential parking standards (not applied for at this time, please see details below).

Details on each of the above categories is provided below:

1. Up to 46.25% Density Bonus - **43.1% Applied for at This Time, Right to Remainder Reserved.**

Pursuant to the City's recently approved Density Bonus Program Guidelines and MVMC § 36.48.75, the base density of the Project was calculated to be 209 units using the 2.3 FAR density provided in the El Camino Real Precise Plan. The Project proposes 31 units at the very low income affordability level, or nearly 15% of the 209 base units, and 2 units at the low income affordability level. The State Density Bonus Law provides that the base density used to calculate the affordable housing requirements do not include any bonus units under the State Density Bonus Law.¹ Because the Project provides more than 14% of its base density units at the very low income level, the Project qualifies for a mandatory density bonus of up to 46.25%.²

The Project proposes a floor area ratio of approximately 3.05, which exceeds the maximum 2.3 FAR provided in the El Camino Real Precise Plan for Village Centers. The Project is therefore applying for an 43.1% density bonus to allow for the construction of 299 units.

Although not currently planned, MetLife reserves the right to apply for additional density bonus units, up to the maximum, if determined necessary to make the Project financially feasible during the development of the Project.³ MetLife notes that it is not required to take the entire density bonus in order to qualify for the below incentives and waivers, additional incentives to which it

¹ Gov. Code § 65915(b)(3).

² Gov. Code § 65915(f)(4).

³ Gov. Code § 65915(a)(3)(D)(ii) ("Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.").

is separately entitled under the State Density Bonus Law by virtue of providing the requisite affordable housing units.

2. **2 Mandatory Concession(s) or Incentive(s) - One Applied for at This Time; Right to Identify Further Concession(s) or Incentive(s) Reserved.**

Because the Project provides more than 14% of its base density units as very low income units, it is eligible for 2 mandatory concession(s) or incentive(s).⁴ A concession is defined to include, among other things, “reduction in site development standards or a modification of zoning code requirements or architectural design requirements,” including a reduction in setbacks and square footage requirements, and “[o]ther regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs.”⁵ However, the Court of Appeal recently confirmed that the applicant for an incentive “is not required to establish that cost reductions will result.”⁶

Based on the attached preliminary application, MetLife has identified a specific need for one concession or incentive at this time, but hereby reserves the right to identify additional concession(s) or incentive(s) through the City’s application review and approval process.

- (1) *Concession of Upper Floor Setback from Street Other than El Camino Real.*

The El Camino Real Precise Plan requires all upper floors along streets other than El Camino Real to provide a minimum setback of 15 feet. The Project provides the required 15 foot setback along all streets other than El Camino Real as required by the Precise Plan, except at the new Chase Bank fronting Castro Street as illustrated at Plan Sheet X-002. At this location, the Project provides a 12-foot setback at the ground floor and a 10 foot setback at the second floor in order to create a unique corner feature and to provide the Chase Bank with its contractually required square footage. The Project site is subject to an existing long-term lease with Chase Bank, which provides minimum requirements necessary to allow for the relocation of the Bank. Unless these requirements are achieved, the Project could not proceed. It is therefore essential that the Project meets Chase Bank’s requirements, including but not limited to providing the contractually mandated square footage and access to the hard corner. The modification of this standard does not cause any public health or safety or environmental problems, does not harm historical property, and is not contrary to law.

⁴ Gov. Code § 65915(d)(2).

⁵ Gov. Code § 65915(k).

⁶ *Schreiber v. City of Los Angeles* (Sept. 28, 2021) 69 Cal.App.5th 549 (“By requiring the city to grant incentives unless it makes particular findings, the statute places the burden of proof on the city to overcome the presumption that incentives will result in cost reductions.”).

3. **Waivers - Nine Applied for at This Time; Right to Identify Further Waivers Reserved**

In addition to, and separate from, the limited number of concessions/incentives described above, the State Density Bonus Law specifies that a project is entitled to a waiver from “any development standard that will have the effect of physically precluding the construction of a development... at the densities or with the concessions or incentives permitted by this section.”⁷ Cities are prohibited from applying any development standard that would physically preclude the construction of the project *as designed*.⁸ Unlike concessions/incentives, waivers are unlimited in number, and approval is mandatory if the standard would preclude development of the Project at its permitted density including any density bonus units.

Based on the enclosed formal application, MetLife has identified the need for/eligibility for five waivers at this time. Pursuant to Gov. Code § 65915(a)(2) and MVMC § 36.48.90 (to the extent consistent with State law), MetLife has provided the below information to comply with the requirement to provide “reasonable documentation to establish eligibility” for the waivers as part of its application.

- (1) *Waiver of Setback Standard for Ground Floor Commercial on El Camino Real.*

Pursuant to the El Camino Real Precise Plan, the Project must provide a minimum 10 foot setback along El Camino Real for ground floor commercial uses.⁹ The Project is entitled to a waiver of the setback distance under the State Density Bonus Law¹⁰ and we therefore hereby apply for this waiver as part of the Project’s State Density Bonus Law application.

MetLife has determined that an encroachment of approximately 10 feet into the El Camino Real setback is necessary to preserve the building form along El Camino Real. The Project generally adheres to the El Camino Real setback along the approximately 520-foot long frontage. However, the Project encroaches 10 feet into the setback for approximately 185 linear feet. A VTA bus duck-out located along El Camino Real shrinks the available space. While the remaining frontage complies with the El Camino Real setback requirement, it is not feasible for the Project to do so along the bus duck-out. MetLife is in discussions with City of Mountain View Department of Public Works and various other agencies on whether the duck-out can be eliminated. However, even in the event these discussions are successful, the Project’s property line would remain unchanged. Conforming to the setback requirement for all floors would result in the loss of approximately 780 square feet of usable retail space and approximately 3,400

⁷ Gov. Code § 65915(e)(1).

⁸ *Bankers Hill 150 v. City of San Diego* (2021) 74 Cal.App.5th 755, 775 (city could not deny waiver even if building could be designed differently to avoid inconsistency).

⁹ City of Mountain View, El Camino Real Precise Plan (2014), at p. 21.

¹⁰ Gov. Code § 65915(o)(1) (“‘Development standard’ includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.”)

square feet of usable residential space. Please see Plan Sheets X-001 to X-006 for an illustration of this loss of usable space. The waiver of the ground floor commercial setback is necessary to support the waiver of the setback for upper floors and this change would greatly impact the feasibility of the Project for MetLife, precluding its construction at the density permitted. This requirement must be waived.

- (2) *Waiver of Setback Standard for Upper Floors on El Camino Real.*

Similarly, the El Camino Real Precise Plan requires a minimum 10 foot setback along El Camino Real of all upper floors.¹¹ The Project is entitled to a waiver of the setback distance under the State Density Bonus Law and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

For the same reasons as described above, MetLife has determined that an encroachment of approximately 10 feet into the El Camino Real setback is necessary to preserve the building form along El Camino Real. The Project generally adheres to the El Camino Real setback along the approximately 540 foot long frontage. However, the Project encroaches 10 feet into the setback for approximately 106 linear feet. A VTA bus duck-out located along El Camino Real shrinks the available space. While the remaining frontage complies with the El Camino Real setback requirement, it is not feasible for the Project to do so along the bus duck-out. MetLife is in discussions with VTA and various other agencies on whether the duck-out can be eliminated. However, even in the event these discussions are successful, the Project's property line would remain unchanged. Conforming to the setback requirement for all floors would result in the loss of approximately 780 square feet of usable retail space and approximately 3,400 square feet of usable residential space. Please see Plan Sheets X-001 to X-006 for an illustration of this loss of usable space. This change would preclude construction at the density permitted. This requirement must be waived.

- (3) *Waiver of Special Upper Floor Setbacks for Tier 2 Development.*

Pursuant to the El Camino Real Precise Plan, the fifth and sixth stories shall have an additional setback of 10 feet from El Camino Real, side streets, side and rear setback lines.¹² The Project is entitled to a waiver of these setback distances under the State Density Bonus Law¹³ and we

¹¹ Precise Plan, *supra* note 9, at p. 21.

¹² Precise Plan, *supra* note 9, at p. 20.

¹³ Gov. Code § 65915(o)(1) (“‘Development standard’ includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.”)

therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project generally provides an additional 10 foot setback of the fifth and sixth stories along side streets, side, and rear setback lines except where architectural projections are provided to create distinctive corner treatments.¹⁴ However, in light of the shallow depth of the Project Site, MetLife has determined that complying with the additional 10 foot setback at all locations would compromise the ability of the Project to achieve the desired density would render the Project infeasible and would further result in a significant reduction of approximately 3,500 square feet of useable space. Please see Plan Sheets X-005 and X-006 for an illustration of this loss of units. Complying with the upper floor setbacks would preclude construction at the permitted density. This requirement must be waived.

- (4) *Waiver of Sidewalk and Access Requirement.*

Pursuant to the El Camino Real Precise Plan, the Project must provide a minimum four foot sidewalk within the property along El Camino Real.¹⁵ The Project is entitled to a waiver of the setback distance under the State Density Bonus Law¹⁶ and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project generally provides a four-foot sidewalk along El Camino Real in compliance with this development standard. However, as explained above, the currently planned bus duck-out located along El Camino Real shrinks the available space along a small portion of the El Camino Real frontage. The Project generally provides 10 to 12 feet of paved sidewalk within the property boundary. However, conforming to the four-foot sidewalk requirement would result in the loss of approximately 300 square feet of usable retail space and approximately 1,350 square feet of usable residential space units. Please see Plan Sheets X-001 to X-006 for an illustration of this loss of usable space. This change would preclude its construction at the density permitted. This requirement must be waived.

- (5) *Waiver of Special Upper Floor Setbacks for Tier 2 Development.*

Pursuant to the El Camino Real Precise Plan, the fifth story shall be located no closer than 80 feet and the sixth story shall be no closer than 100 feet from any parcel in a residential zone or the right-of-way across from any residential zone.¹⁷ The Project is entitled to a waiver of these

¹⁴ Precise Plan, supra note 9, at p. 31.

¹⁵ Precise Plan, supra note 9, at p. 32.

¹⁶ Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

¹⁷ Precise Plan, supra note 9, at p. 20 ("The front 4 feet of every parcel along El Camino Real shall be paved at sidewalk grade; no fences or signs are permitted within this area.").

setback distances under the State Density Bonus Law¹⁸ and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project provides an approximately 55 foot setback of the fifth floor and an approximately 65 foot setback of the sixth floor to preserve the 45-degree angle daylight plane from the applicable property lines. However, in light of the shallow depth of the Project Site, MetLife has determined that complying with the respective 80 and 100 foot setbacks would compromise the ability of the Project to achieve the desired density would render the Project infeasible and would further result in a significant reduction of at least 20 units and approximately 16,500 square feet of useable space. Please see Plan Sheets X-005 and X-006 for an illustration of this loss of usable residential space and units. Complying with the upper floor setbacks would preclude construction at the permitted density. This requirement must therefore be waived.

- (6) *Waiver of Maximum Height Adjacent to Residential.*

Pursuant to the El Camino Real Precise Plan, wall plates shall not be higher than the distance to a residentially zone property.¹⁹ The Project is entitled to a waiver of this height limit under the State Density Bonus Law²⁰ and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project is adjacent to residentially-zoned property along Victor Way. To create a neighborhood transition, the Project steps down its height as it approaches these properties and transitions to ground-floor residential uses. The stepped down structure generally preserves the 45 degree daylight plane as illustrated at Plan Sheet A-401. However, given the shallow depth of the Project Site, it is infeasible to conform to the daylight plane at all locations. MetLife has determined that doing so would compromise the ability of the Project to achieve the desired density and would further result in a reduction of at least 2 units and approximately 1,600 square feet of usable space. Please see Plan Sheet X-004 for an illustration of the loss of units. This requirement must therefore be waived.

- (7) *Waiver of Maximum Height Across a Street from Residential - Victor Way.*

Pursuant to the El Camino Real Precise Plan, where a project is proposed across the street from a residentially-zoned property, the development's wall plates and overall heights may be no taller

¹⁸ Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

¹⁹ Precise Plan, *supra* note 9, at p. 30.

²⁰ Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

than what is allowed in the adjacent residential zone within 40 feet of the street property line.²¹ The Project is entitled to a waiver of this height limit under the State Density Bonus Law²² and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project is located directly across the street from a residentially-zoned properties on Victor Way and on Lane Avenue. These residentially-zoned properties are designated R3: Multiple Family Residential with a maximum building height of 45 feet.²³ Within 40 feet of the Project's street property line along Victor Way, the Project gradually steps up to approximately 70 feet, 6 inches in height as measured from the top of the highest roof parapet, in excess of the 45 foot maximum. Given the shallow depth of the Project Site, it is infeasible to conform to the residential setback adjacent to Victor Way. MetLife has determined that doing so would compromise the ability of the Project to achieve the desired density and would further result in a reduction of at least 16 units and approximately 16,500 square feet of usable space residential space. Please see Plan Sheets X-004 through X-006 for an illustration of the loss of units. This requirement must therefore be waived.

- (8) *Waiver of Maximum Height Across a Street from Residential - Lane Avenue.*

Pursuant to the El Camino Real Precise Plan, where a project is proposed across the street from a residentially-zoned property, the development's wall plates and overall heights may be no taller than what is allowed in the adjacent residential zone within 40 feet of the street property line.²⁴ The Project is entitled to a waiver of this height limit under the State Density Bonus Law²⁵ and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project is located directly across the street from a residentially-zoned properties on Victor Way and on Lane Avenue. These residentially-zoned properties are designated R3: Multiple Family Residential with a maximum building height of 45 feet.²⁶ Within 40 feet of the Project's street property line along Lane Avenue, the Project steps up to 72 feet in height, in excess of the 45 foot maximum. Given the shallow depth of the Project Site, it is infeasible to conform to the

²¹ Precise Plan, supra note 9, at p. 30.

²² Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

²³ MVMC § 36.10.70 (Table R3 Zone Development Standards).

²⁴ Precise Plan, supra note 9, at p. 30.

²⁵ Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

²⁶ MVMC § 36.10.70 (Table R3 Zone Development Standards).

residential setback adjacent to Lane Avenue. MetLife has determined that doing so would compromise the ability of the Project to achieve the desired density and would further result in a reduction of 3 units and approximately 1,800 square feet of usable space. Please see Plan Sheets X-004 to X-006 for an illustration of the loss of units. This requirement must therefore be waived.

MetLife hereby reserves the right to identify any further necessary waivers through the City's application review and approval process.

- (9) *Waiver of Ground Floor Commercial Requirement.*

In its July 29, 2022 comments on the Project, the City requested that the Project be modified to include ground floor commercial on all frontages except for the residential ground floor uses on Victor Way, based on page 35 of the El Camino Real Precise Plan which provides that, "Ground floor commercial *should* occupy the full building frontage facing El Camino Real along with main entrances to upstairs uses. Side street frontages may transition from commercial to residential uses" (emphasis added).

We note that this provision uses the term "should." As noted on page 7 of the El Camino Real Precise Plan, "guidelines are typically written with a 'should' statement" and provide "flexibility in how projects meet each guideline depending on project specific design and location." "Guidelines" under the El Camino Real Precise Plan are therefore not "objective" under the Housing Accountability Act and, as explained further in the cover letter submitted for this Project, a project cannot be denied or conditioned on noncompliance with these subjective standards. However, the Project does comply with this requirement. At page 14, the El Camino Real Precise Plan notes that lobbies, parking, service spaces including but not limited to trash and utility rooms, bike parking, shared restrooms and loading areas are allowed in the ground floor commercial areas. Further, Table 2 of the El Camino Real Precise Plan provides that residential accessory uses and structures may be permitted in the ground floor commercial areas, including leasing offices, lounges, fitness rooms and other compatible uses.²⁷ Thus, "there is substantial evidence that would allow a reasonable person to conclude that the housing development project . . . is consistent, compliant, or in conformity" with this standard.²⁸

To the extent the City disagrees, and without waiving any of the above rights or protections provided by the Housing Accountability Act, the Project is entitled to a waiver of this

²⁷ Precise Plan, *supra* note 9, at p. 12.

²⁸ Gov. Code § 65589.5(f)(4).

development standard under the State Density Bonus Law²⁹ and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application.

The Project locates the leasing office, lobbies, a fitness center, a mail and packages room, and a resident lounge on the ground floor, in addition to retail, restaurant, and banking units. Given the constraints of the Project Site, it is infeasible to relocate these facilities to conform to the City's interpretation of the ground floor commercial requirements. MetLife has determined that doing so would compromise the ability of the Project to achieve the desired density and would further result in a reduction of more than 8,500 square feet of usable residential space. This requirement must therefore be waived.

MetLife hereby reserves the right to identify any further necessary waivers through the City's application review and approval process.

4. **Mandatory Maximum Residential Parking Standards -*Applied for at This Time, Right Reserved to Request Additional Reductions.***

Pursuant to the State Density Bonus Law, as a density bonus-eligible project and as further described in the enclosed submittal package, the Project has the right to meet mandatory maximum residential parking standards which as of January 1, 2021, are no more than:

- Zero to one bedroom: one onsite parking space;
- Two to three bedrooms: one and one-half onsite parking spaces; and
- Four and more bedrooms: two and one-half parking spaces.³⁰

Additionally, projects providing at least 11% of the base units at the very low income affordability level and that are located within one-half mile of a major transit stop may be required to provide no more than 0.5 spaces per unit inclusive of parking for persons with disability and guests.³¹

Under the State Density Bonus Law, the Project is required to provide 150 spaces.³² Upon request of MetLife, the City cannot impose a vehicular parking ratio greater than contemplated in

²⁹ Gov. Code § 65915(o)(1) ("Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.")

³⁰ Gov. Code § 65915(p)(1), as revised by AB 2345 effective January 1, 2021.

³¹ Gov. Code § 65915(p)(2), as revised by AB 2345 effective January 1, 2021.

³² City of Mountain View, Multi-Modal Transportation Analysis Handbook (Feb. 2021) at pp. 62-64 (Figures 13 and 14 "indicate the areas where projects located within one-half mile of a major transit stop, or a stop along a high quality transit corridor").

Aarti Shrivastava
Stephanie Williams
October 26, 2022
Page 11

the State Density Bonus Law. Nevertheless as demonstrated at Plan Sheet A-100 and A-101, the Project provides approximately 344 spaces to serve the residential uses, including 51 spaces (or 15% of the required spaces) for guest parking consistent with the El Camino Real Precise Plan, subject to a permitted 10% reduction associated with the provision of a parking and transportation management program to be prepared and submitted with the Project.³³

MetLife reserves the right to revise this proposal consistent with its rights under the State Density Bonus Law.

Thank you for your attention to this matter, we look forward to working with the City on bringing this project to fruition.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, appearing to read 'Tamsen Plume', with a long, sweeping horizontal stroke extending to the right.

Tamsen Plume
Emily M. Lieban

TP:mlm

³³ Precise Plan, supra note 9, at p. 64.

Holland & Knight

[REDACTED]

Tamsen Plume

[REDACTED]

Emily M. Lieban

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March 3, 2023

Via E-mail (planning.division@mountainview.gov)

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**Re: 749 W. El Camino Real Project — Transmittal of Third Formal Application;
Transmittal of State Density Bonus Law Letter; Applicability of Housing
Accountability Act and Permit Streamlining Act Protections**

Dear Ms. Shrivastava and Ms. Williams:

As described in our June 29, 2022 and October 25, 2022 letters, we represent Metropolitan Life Insurance (“MetLife”) in connection with its application to redevelop two parcels totaling 3.1 acres located at the intersection of W. El Camino Real and Castro Street (APN 193-02-049 and APN 193-02-050) with 299 apartment homes and approximately 23,000 square feet of commercial space (the “Project”) in Mountain View, California (the “City”), as submitted by MetLife’s agent and representative Greystar (“Applicant”).

The 3.1 acre site at 749 W. El Camino Real is considered a Housing Element housing inventory site with a capacity for 186 units¹—redeveloping the site with 299 rental units is consistent with and will assist in meeting the City’s housing goals. Consistent with the City’s inclusionary housing requirements for rental projects, the Project will provide approximately 16% of its base units (209 units) as income-restricted affordable housing including 31 available at the very low income

¹ City of Mountain View, 2015-2023 Housing Element (2014) at pp. 148, 158 (allowed capacity calculated using the density of 60 dwelling units per acre under its then-applicable CRA zoning).

affordability level and 2 available at the low income affordability level.²

The Project's submission and review timeline thus far is as follows:

- **January 7, 2022** — Applicant submits SB 330 preliminary application.
- **February 7, 2022** — City deems SB 330 preliminary application complete.
- **June 30, 2022** — Applicant submits formal entitlement application for Project.
- **July 29, 2022** — City responds with its first incompleteness letter.
- **November 3, 2022** — Applicant submits second formal entitlement application for Project.
- **December 2, 2022** — City responds with its second incompleteness letter.

The purposes of this letter are to address the applicability of the Housing Accountability Act (Gov. Code § 65598.5) ("HAA") and the Permit Streamlining Act ("PSA") (Gov. Code § 65920 et seq.) as modified by Senate Bill 330, the Housing Crisis Act ("SB 330").

I. The Entitlement Application Must Be Deemed Complete.

Under the PSA, as amended by SB 330, the City's authority to review the "completeness" of the Project's development application is strictly limited to confirming whether the application provided the material contained on the City's official submittal requirements checklist(s), as they existed at the time of application submittal.³ The application is deemed complete if the local government does not, within 30 days of submission, "provide the applicant with an exhaustive list of items that were not complete," and "specify those parts of the application which are incomplete and . . . indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application."⁴ Further, "[i]n any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete."⁵

We note that the City's initial incompleteness determination from July 29, 2022 included both "incomplete items" and "comments and corrections." We assume that satisfaction of items designated "comments and corrections" are not necessary for the application to be deemed complete as these "comments and corrections" extend beyond the scope of the City's formal application checklist.

² The Project intends to comply with state and City requirements regarding the mix, features, and dispersal of affordable units.

³ Gov. Code § 65943(a); *see also* Gov. Code §§ 65940, 65941, 65941.5.

⁴ Gov. Code § 65943(a).

⁵ Gov. Code § 65943(a).

A. The City May Not Expand the List of Requirements to be Deemed Complete.

It appears that the vast majority of the “incomplete items” have been resolved based on the removal of those items from the December 2, 2022 letter. In its December 2 letter, the City has reiterated some requests and added other requirements related to *inter alia* fence locations and amenity totals. The City may not require additional information in order to deem the project complete.⁶ However, without waiving the above described rights, the plans have nevertheless been updated to include the requested information.

Please see below regarding the resolution of the remaining “incompleteness items.”

INCOMPLETE ITEMS	
1. Written Description- Please provide a separate letter with all the information required by the Written Description RFAM # 3. Please include the design concept and sustainable aspects of the project.	An updated written formal description was included in the October 25 submittal. The project description has been further refined in this third submittal, with further details regarding the design concept and sustainable aspects of the project.
c. Include fence locations on the Illustrative Site Plan Sheet SP-200	The plans have been updated to include this information on Sheet SP-200.
b. On the elevations, please incorporate all windows, storefronts, eaves, trims, awnings, trellises, doors, downspouts, vents, roofs equipment and screens, rooftop elevators, etc	Please see the response included in the October 25 submission. Those features are included in the exterior elevations, and particularly in the added sheets with enlarged elevations and related details. Please refer to sheets A-410 through A-416. Sheets A-301 to A-304 of the current plan set have been further revised. El Camino Real will incorporate internal drains for the roof drainage. Downspouts are shown in the elevations for all other elevations. Exterior wall vents are shown at approximate locations and may be relocated as the project progresses into working drawings.
Provide amenity space totals.	The plans have been updated to include this information on Sheet G-100.
Thank you for the Public Benefits development proposal. The items included in your public benefit package are essentially required as part of the development project. As part of the conditions of approval, the applicant would be required to pay the fair share to upgrade the intersection The bus turn out on EL Camino Real is a VTA and Caltrans project requirement. Also, the Chase building mosaic should be incorporated into the project to add community value to the project. Staff recommends a monetary contribution of \$3,187,235.57 based on \$25.17 net new square feet (126,628.35 square feet) over 1.35 FAR.	<i>Please see more detailed discussion below.</i>
1. A completed APPLICATION FOR RIGHT-OF-WAY OR EASEMENT VACATION when a project is requesting the vacation of the public easement(s) no longer needed or conflicts with proposed development. This application is processed concurrently with the Planning Permit(s). The	Please see the response included in the October 25 submission. Easement/ROW vacation documents have been submitted as part of this revised submittal. Please see separate documentation.

⁶ Gov. Code § 65943(a).

application is available online at: www.mountainview.gov/landdevelopment .	
An application without applicant's signature to vacate existing Transit Shelter Easement on El Camino Real and Castro Ave is included in the submittal. However, the application was not signed and the required written approval/clearance letter from VTA was not provided. Applicant should notify VTA of the vacation request and provide the written approval/clearance letter to the City. The public hearing of the easement vacation must go to the same Council meeting with the project concurrently.	Please see the response included in the October 25 submission. Project sponsor is actively working on securing VTA written approval for the Transit Shelter Easement vacation.

B. A Public Benefits Proposal Was Provided and the Application Is Therefore Complete.

The formal application checklist specifies that the application must include a “written description of the benefit proposal consistent with the requirements of the applicable” plans. The application includes a written proposal and the completeness determination cannot be withheld on this basis.

The City notes that the public benefits proposal includes elements that the City could compel in the absence of State law. However, as noted in our prior correspondence and below, the City’s ability to compel satisfaction of subjective standards is curtailed by the HAA. The efforts of the applicant team to nevertheless give life to the City’s vision are meaningful public benefits. The Project also provides substantial public benefits in the form of its public plaza, redesigned and improved corner treatment at the intersection of El Camino Real and Castro Street, and affordable housing in excess of the City’s requirements both in terms of the number of units and the level of affordability. The Project also now voluntarily incorporates accommodations for the City’s vision for an El Camino Real bikeway and multi-modal transit. Further, the Project has committed to integrating the existing mosaic and mural art pieces into the new development to enhance the sense of place and visual interest.

The City is prohibited from premising its approval of the permitted density on compliance with a subjective standard. To be an “objective standard,” the standard must “involv[e] no personal or subjective judgment by a public official and [be] uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.”⁷ The provision of public benefits is both inherently and expressly subjective. The General Plan provides for greater density at “key locations” with “significant public benefits and amenities specified within zoning or precise plan standards.”⁸ However, the El Camino Real Precise Plan does not provide any further specification sufficient to render this requirement objective. The Precise Plan allows greater density and height in exchange for public benefits “with value proportional to the project’s building square footage in excess of

⁷ Gov. Code, § 65589.5(h)(8)

⁸ General Plan at 84.

1.35” FAR,⁹ but also explains that the Precise Plan “*does not limit the City’s discretion to determine the appropriate level of public benefits required in exchange for increased density.*”¹⁰ This is an expressly subjective standard directly tied to constraining the density of development. Moreover, the value of the square footage and any public benefits is an inherently subjective determination. It is not possible for both the applicant and the City to know whether a particular benefits package will equate to “value proportional” to the excess square footage. Because this provision is subjective, the City therefore may not deny the Project its permitted density on this basis under the HAA in the absence of highly specific findings that the Legislature has opined will arise only infrequently.¹¹

In any event, a public benefits proposal was provided and the City cannot withhold a completeness determination on this basis. Based on the above satisfaction of the outstanding incomplete items, the Applicant hereby requests that the City issue a completeness determination.

II. The City’s Comments and Corrections.

As noted in our prior letters and above, the Project is protected by the HAA, which prohibits the denial or conditioning of a project on the basis of subjective standards in the absent of specific findings. The City may only reject the Project if there is a preponderance of evidence that the Project would have a significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.”¹² The Legislature recently affirmed its expectation that these types of conditions arrive “infrequently.”¹³ As a result, the City’s review is limited to whether the Project complies with objective, independently verifiable development standards and criteria that do not require subjective judgment. As noted above, to be objective a standard must involve “no personal or subjective judgment,” be uniformly verifiable by reference to an external and uniform benchmark, and knowable by the development applicant and the public official.

We note that the El Camino Real Precise Plan explains that its provisions are split between “standards” and “guidelines,” which “are the City’s expectations for how site, building and infrastructure design and improvements should be designed” that provide “flexibility in how projects meet each guideline depending on project specific design and location.”¹⁴ “Guidelines” under the Precise Plan are therefore not “objective” under the HAA and the Project cannot be denied or conditioned on noncompliance with these subjective standards.

⁹ City of Mountain View, El Camino Real Precise Plan (“ECRPP” or “Precise Plan”) (2014) at p. 66, available at <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=29701>.

¹⁰ Precise Plan, *supra* note 9, at 66 (emphasis added).

¹¹ Gov. Code § 65589.5(a)(3).

¹² Gov. Code § 65589.5(j).

¹³ Ch. 243, Stats. 2018 (adding subdivision (a)(3) to Gov. Code § 65589.5).

¹⁴ City of Mountain View, El Camino Real Precise Plan (“ECRPP”) (2014) at p. 7, available at <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=29701>

Moreover, the HAA provides that the City’s “development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.”¹⁵ To that end, a “a housing development project ... shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project ... is consistent, compliant, or in conformity.”¹⁶ As the courts have explained, “if a *reasonable* person could find a housing development in compliance, it will be so deemed.”¹⁷

Key Examples:

- The City notes that the Precise Plan includes a guideline for ground floor commercial along El Camino Real. The Project cannot be denied or conditioned on the basis of noncompliance with this subjective guideline. Additionally, under the HAA, whether a project complies with an objective standard is based on whether “there is substantial evidence that would allow a reasonable person to conclude that the housing development project ... is consistent, compliant, or in conformity” with that standard.¹⁸ There is substantial evidence that the Project complies. The El Camino Real Precise Plan notes that lobbies, parking, service spaces including but not limited to trash and utility rooms, bike parking, shared restrooms and loading areas are allowed in the ground floor commercial areas. Further, Table 2 of the El Camino Real Precise Plan provides that residential accessory uses and structures may be permitted in the ground floor commercial areas, including leasing offices, lounges, fitness rooms and other compatible uses.¹⁹ At minimum, “[t]he plausibility of both views demonstrates that the ... guidelines are not objective and that a reasonable person could conclude the project satisfies them.”²⁰ However, to the extent the City disagrees, and without waiving any of the above rights and protections, the Project is entitled to a waiver of this standard as described in the October 26, 2022 State Density Bonus Letter of Intent.
- The City requests changes based on design considerations. These requests are largely based on “guidelines” from the Precise Plan that primarily use a “‘should’ statement” and provide “flexibility in how projects meet each guideline depending on project specific design and location.” As discussed above, “guidelines” under the El Camino Real Precise Plan are therefore not “objective” under the HAA. In particular, comments that design elements should be more “special” or “intentional,” or requesting additional “visual interest” or “character” are not objective standards. We have appreciated the City’s ongoing dialogue

¹⁵ Gov. Code § 65589.5(f)(1).

¹⁶ Gov. Code § 65589.5(f)(4).

¹⁷ *California Renters Legal Advocacy and Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 851.

¹⁸ Gov. Code § 65589.5(f)(4).

¹⁹ Precise Plan, *supra* note 9, at p. 12.

²⁰ *California Renters Legal Advocacy and Education Fund*, 68 Cal.App.5th at 851.

regarding the development of the best possible project that has been designed to be responsive to the City's vision while providing the maximum number of homes on a constrained lot and creating a vibrant addition to the El Camino Real corridor. While the design is intended to respond to the City's guidelines, the Project may not be denied or conditioned on the basis of these guidelines.

- The City notes improvements to meet the vision of the El Camino Real Streetscape Plan. The El Camino Real Precise Plan was “adopted under the authority of the City’s Zoning Ordinance, which establishes Precise Plans as a tool to regulate land use and development” and “replaces regulations contained in the Mountain View City Code.”²¹ The El Camino Real Streetscape Plan “*builds* on the ECRPP and provides location-specific design *guidelines* to improve conditions for all modes of transportation and enhance the experience of those who live, work and visit along El Camino Real in the City of Mountain View.”²² The applicability of the standards contained in both documents are subject to the restrictions of the HAA. The Streetscape Plan provides “design concepts” to “illustrate typical treatments” that “*represent conceptual-level design recommendations only*.”²³ These illustrative, concept-level recommendations are not “objective” within the meaning of the HAA and a project cannot be denied or conditioned on noncompliance with these “conceptual-level” recommendations. Additionally, the details regarding transit facilities in the Precise Plan are “guidelines.”²⁴ While the Project has made significant efforts to accommodate the City’s vision for the El Camino Real right-of-way while maintaining the density of homes on site, the Project cannot be denied or conditioned on the basis of noncompliance with these subjective standards.

For further detailed responses, please see the enclosed response matrix. Again, we assume that satisfaction of items designated “comments and corrections” are not necessary for the application to be deemed complete as these extend beyond the scope of the City’s formal application checklist.

III. State Density Bonus Law Letter of Intent.

As part of this third resubmittal, we include the State Density Bonus Law Letter of Intent. The requests pursuant to the State Density Bonus Law have not materially changed as a result of the revisions in this resubmittal. As before, the Project reserves the right to request additional waivers or incentives, to seek a larger density bonus, or pursue additional protections and benefits as the entitlement process progresses.

²¹ Precise Plan, *supra* note 9, at p. 8.

²² City of Mountain View, El Camino Real Streetscape Plan (2019), at p. iv, available at <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=31039> (emphasis added).

²³ *Id.* at 13 (emphasis added).

²⁴ Precise Plan, *supra* note 9, at p. 56; *see also id.* at p. 50.

IV. Next Steps.

We look forward to receiving the City's completeness determination and documentation of any objective standards within 60 days of that determination.²⁵ Please note that SB 330 also limits the number of review hearings on a project to a maximum of five.²⁶ A "hearing" is any public hearing, workshop, or similar meeting conducted by the city with respect to the housing development project, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the city, county, or any committee or subcommittee thereof."²⁷

Thank you for your attention to this matter. We look forward to working with the City on bringing this project to fruition in compliance with State law. For any questions related to the Project, please direct all communications to MetLife's agent and representative Greystar.

Sincerely yours,

HOLLAND & KNIGHT LLP



Tamsen Plume
Emily M. Lieban

EL:mlm

²⁵ Gov. Code § 65589.5(j)(2)(A)(ii).

²⁶ Gov. Code § 65905.5(a).

²⁷ Gov. Code § 65905.5(b)(2).

Holland & Knight

Tamsen Plume
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January 30, 2025

Via E-mail (planning.division@mountainview.gov)

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Ed Arango
Public Works
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Re: 749 W. El Camino Real Project — Voluntary Improvements Related to Loading Dock on Lane Avenue

Dear all:

As described in our prior communications, we represent Metropolitan Life Insurance (“MetLife”) in connection with its application to redevelop two parcels totaling 3.1 acres located at the intersection of W. El Camino Real and Castro Street (APN 193-02-049 and APN 193-02-050) with 299 apartment homes and approximately 23,000 square feet of commercial space (the “Project”) in Mountain View, California (the “City”), as submitted by MetLife’s agent and representative Greystar (“Applicant”).

The City has expressed concerns regarding the Project’s proposed loading dock located on Lane Avenue. In correspondence dated August 6, 2024, the Applicant addressed the protections applicable to the Project under the state housing laws, documented the Applicant’s prior efforts to reach resolution with the City regarding these concerns, and reaffirmed the Applicant’s willingness to discuss specific, traffic-calming measures to address the City’s concerns. The Applicant provided this information in an effort to inform a mutual understanding of the legal obligations

Christian Murdock
Ed Arango
January 30, 2025
Page 2

governing the Project.

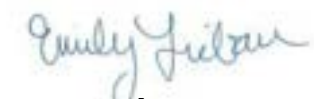
On November 21, 2024, the Applicant received from the City a proposal for safety measures on Lane Avenue, attached hereto as Exhibit A with clarifications shown in red. In order to resolve the continued concerns regarding the loading dock and without waiver of the Project's rights and protections including but not limited to those described in our August 6, 2024 correspondence, the Applicant will voluntarily implement the clarified proposed safety measures as shown in Exhibit B, attached hereto.

The Applicant's agreement to these measures is contingent upon an expectation that the City will timely process the Project's application consistent with the City's obligations pursuant to state housing laws. The Applicant reserves the right to reassert the rights and protections described in our August 6, 2024 correspondence in the event that the City fails to do so.

We look forward to continued close collaboration with the City to advance the Project in a manner consistent with state law and the City's obligations to facilitate housing development.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, appearing to read "Emily Lieban".

Tamsen Plume
Emily M. Lieban

TP:mlm

EXHIBIT A

749 W El Camino Real, Greystar - Lane Ave Residential Loading Dock
Summary of Safety Measures

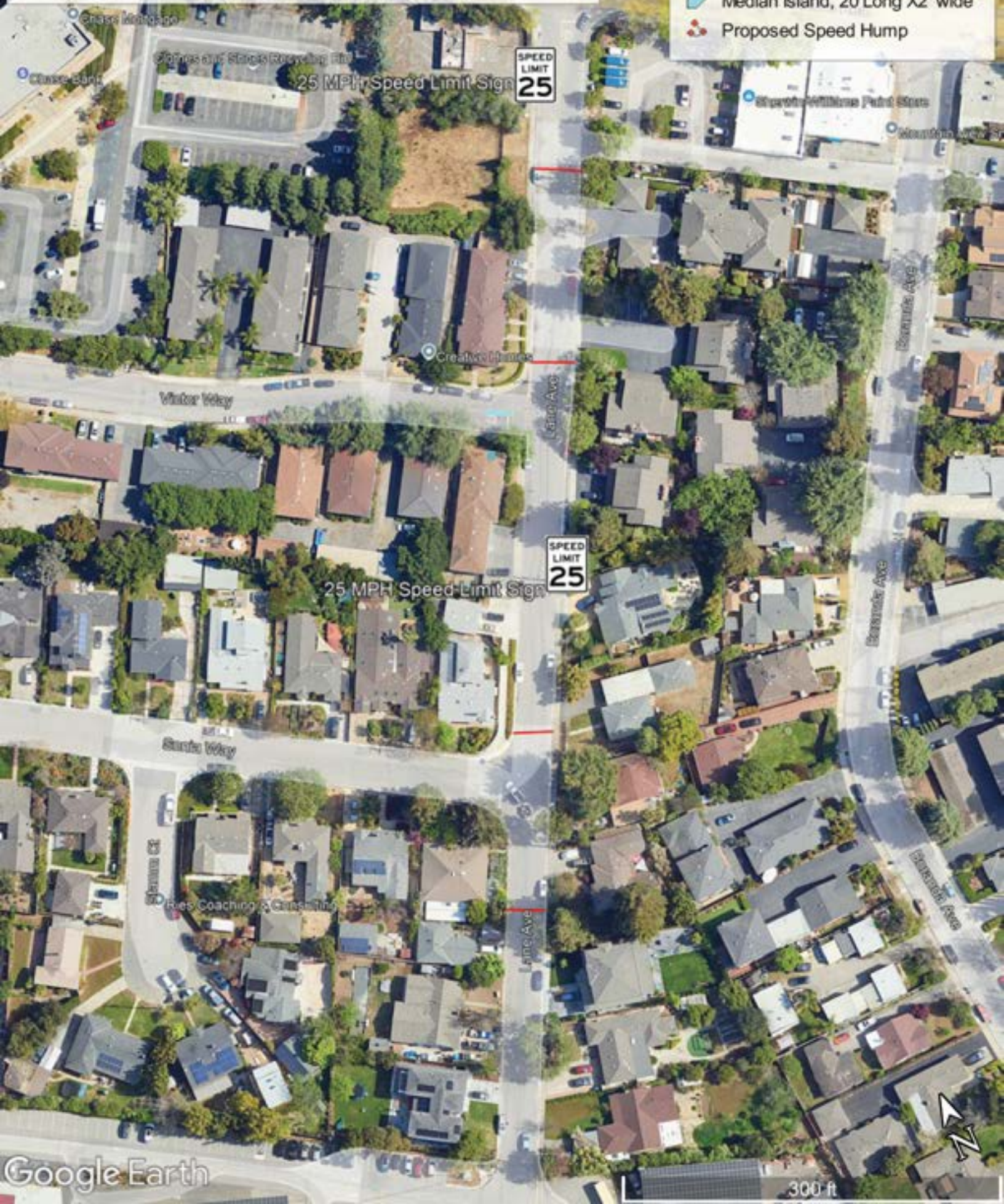
LOCATION	MEASURES	IMPLEMENTATION
<i>Operational</i>		
On-site	Scheduled use of loading dock by appointment only to be managed by apartment management staff.	Project COA; Prior to building permit issuance, provide Operational Plan which identifies these measures to be followed by the apartment management.
	Established blackout times corresponding to school dropoff/pickup windows when loading dock cannot be scheduled for used. Blackout times on school days: 7:30-9AM (90-min period starting with first bell) and 2-4PM (120-minute period starting with early release bell).	
	Management staff to be present on moving truck arrival to unlock loading dock door and act as flagger to guide moving trucks in/out of loading dock driveway.	
	Moving trucks required to back into loading dock fully (no parking in driveway to block sight distance safety triangle for residential garage driveway users).	
Off-site	Provide 5 years of funding to City for a school crossing guard at the Lane Ave/Alley intersection during school drop-off/pick-up times. Per year cost is \$24,000. Total of \$120,000	Project COA; Funding to be collected prior to building permit issuance.
<i>Improvements</i>		
On-site	Add signage near/on loading dock on Lane Ave visible to the exterior, identifying restricted uses, by appointment, hours, etc.	Project COA; Show on future on-site building plans and for reference only, on off-site improvement plans.
	Add gate with arm at residential garage exit to ensure that vehicles come to a complete stop prior to entering Lane Ave.	
	Add removable bollard at mouth of loading dock driveway to maintain sight distance safety triangle for residential garage driveway users.	
Off-site	Add four speed humps along Lane Ave from El Camino Real to Graham Middle School to reduce overall vehicle speeds. See exhibit for approximate locations.	Project COA; Show on future off-site improvement plans.
	Add median island on Victor Way at Lane Ave intersection to slow vehicles down and organize traffic entering Lane Ave.	
	Remove of 1-2 parking spaces on the east side of Lane Ave., north of the Alley, for sight distance visibility. To be implemented by City	
	Add two speed limit signs on Lane Ave. See exhibit for approximate locations.	

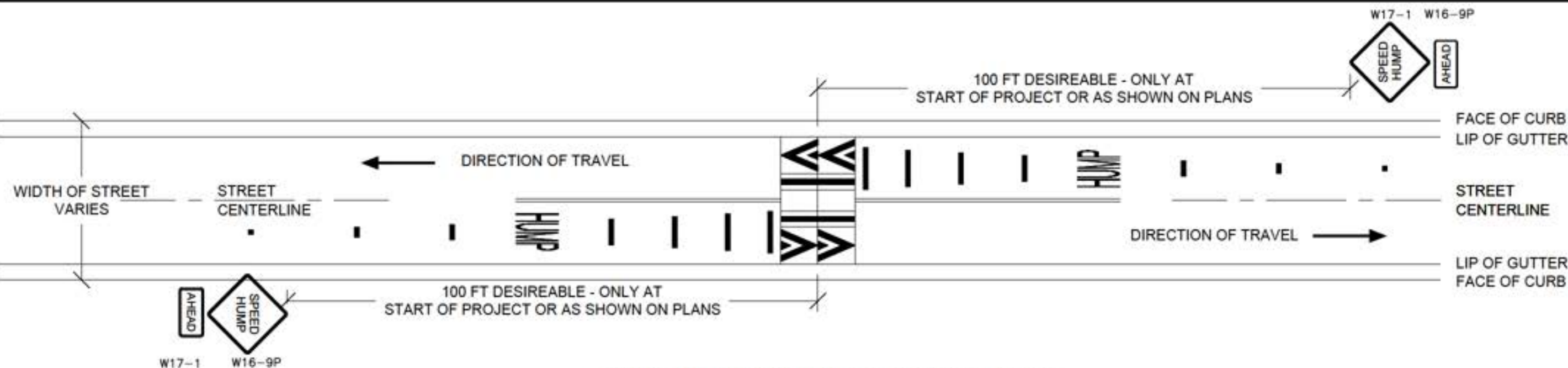
Lane Ave and Victor Way Improvements

749 ECR Improvements

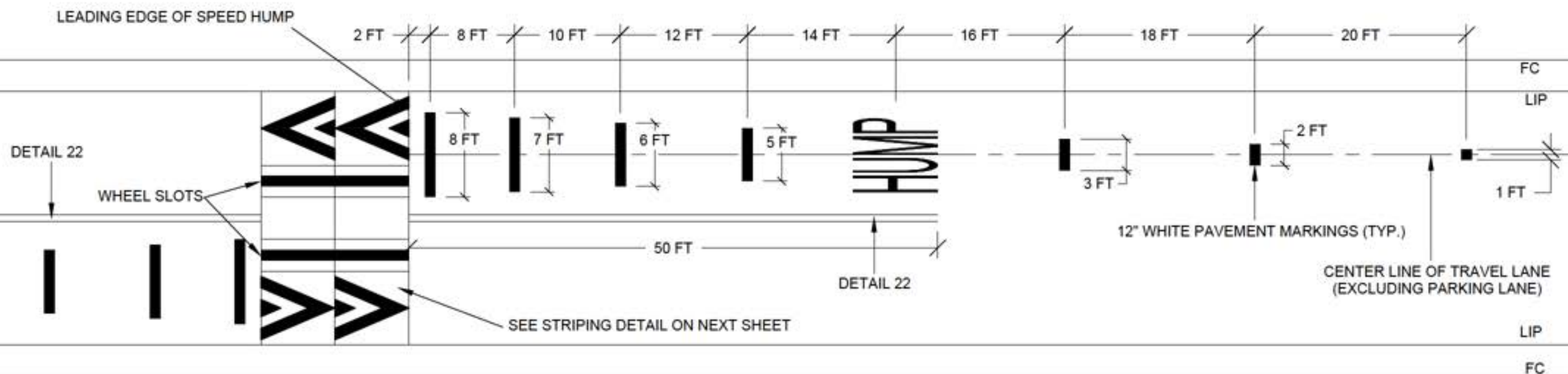
Legend

-  25 MPH Speed Limit Sign
-  Median Island, 20' Long X 2' wide
-  Proposed Speed Hump





SPEED HUMP STRIPING & SIGNAGE PLAN



DETAILED SPEED HUMP STRIPING PLAN



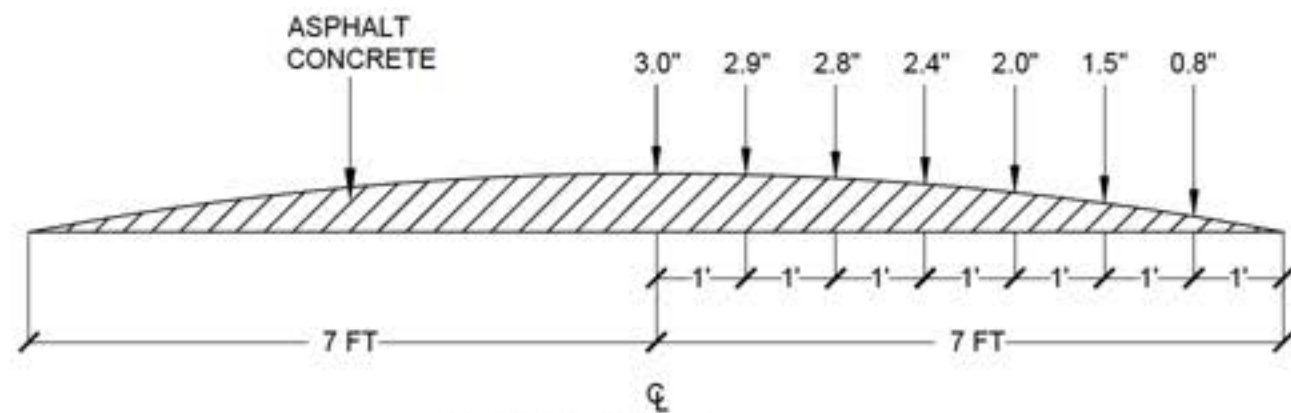
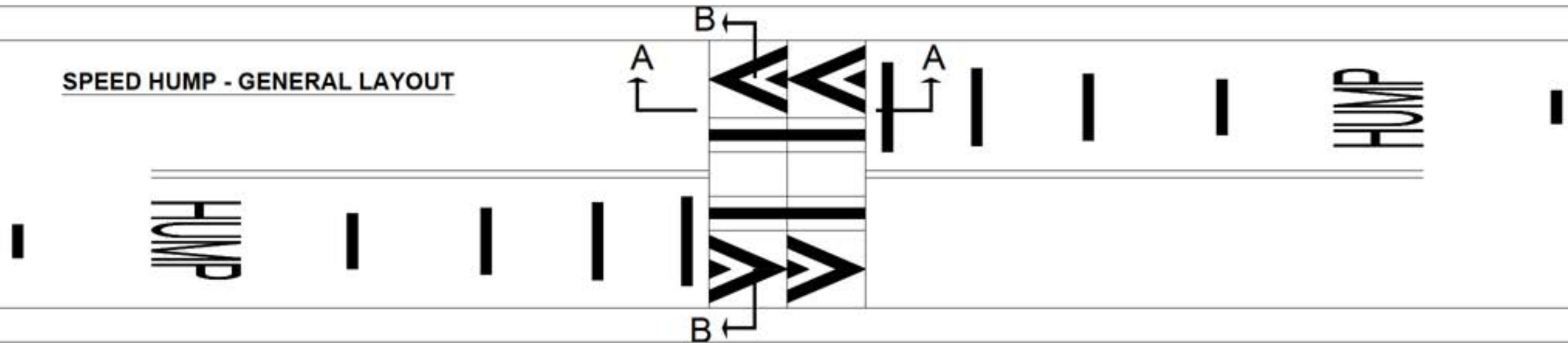
City of
Mountain View

CITY OF MOUNTAIN VIEW, CALIFORNIA
PUBLIC WORKS DEPARTMENT
500 CASTRO STREET, MOUNTAIN VIEW, CA 94041

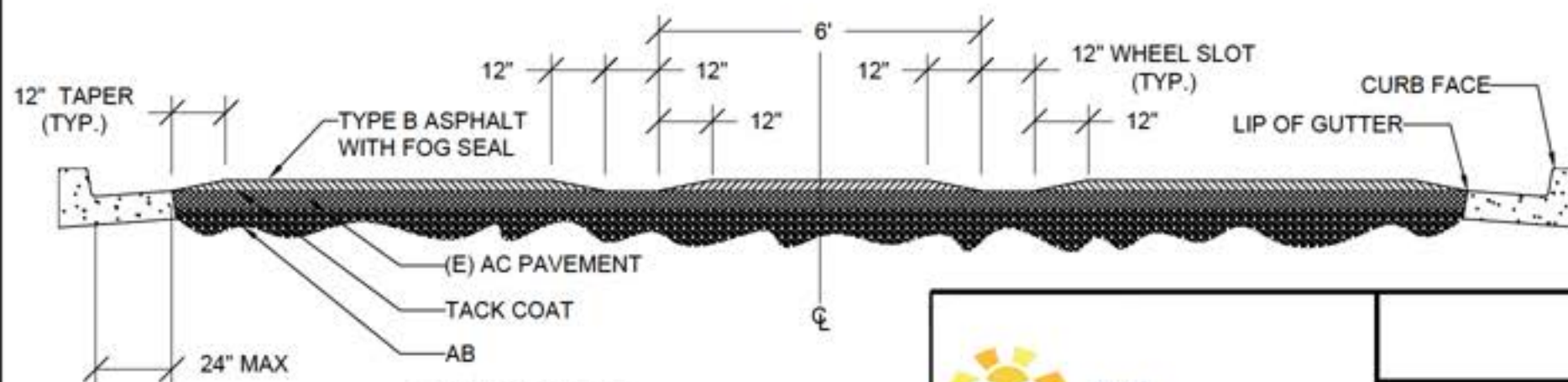
SPEED HUMP DETAILS

DRAWN	N. MEDESTOMAS	CHECKED	T. CHENG	DATE	12-09-22	SCALE	NTS	SHEET	1 OF 2
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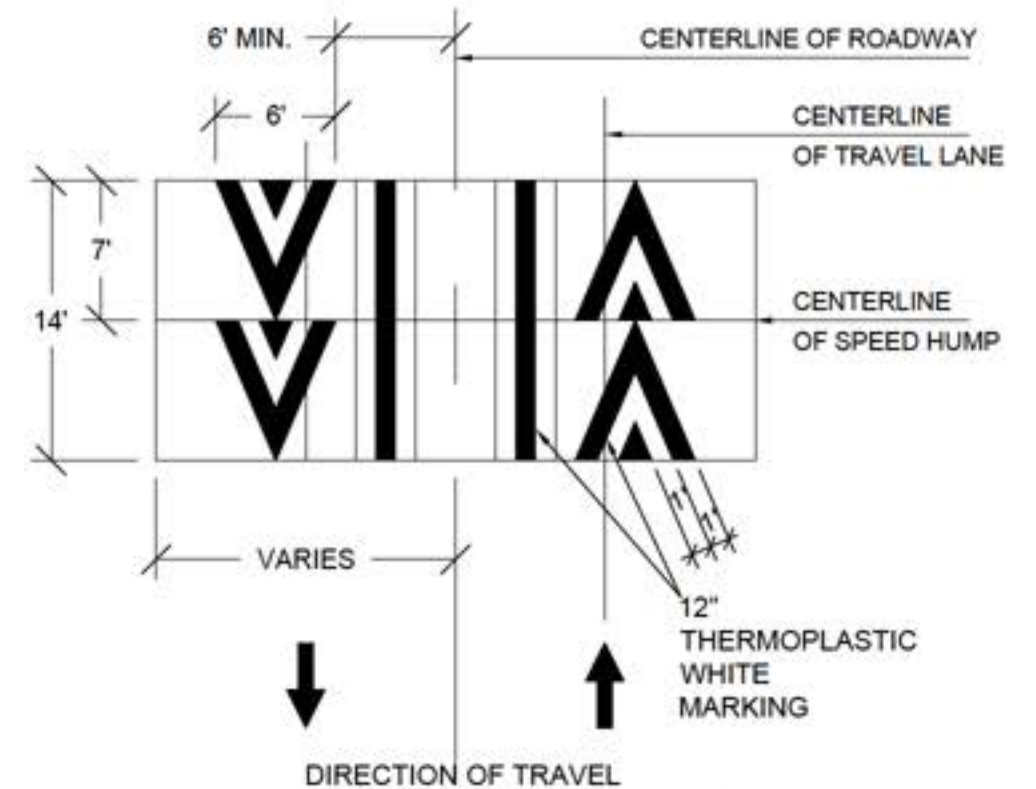
SPEED HUMP - GENERAL LAYOUT



SECTION A-A



SECTION B-B



SPEED HUMP STRIPING DETAIL



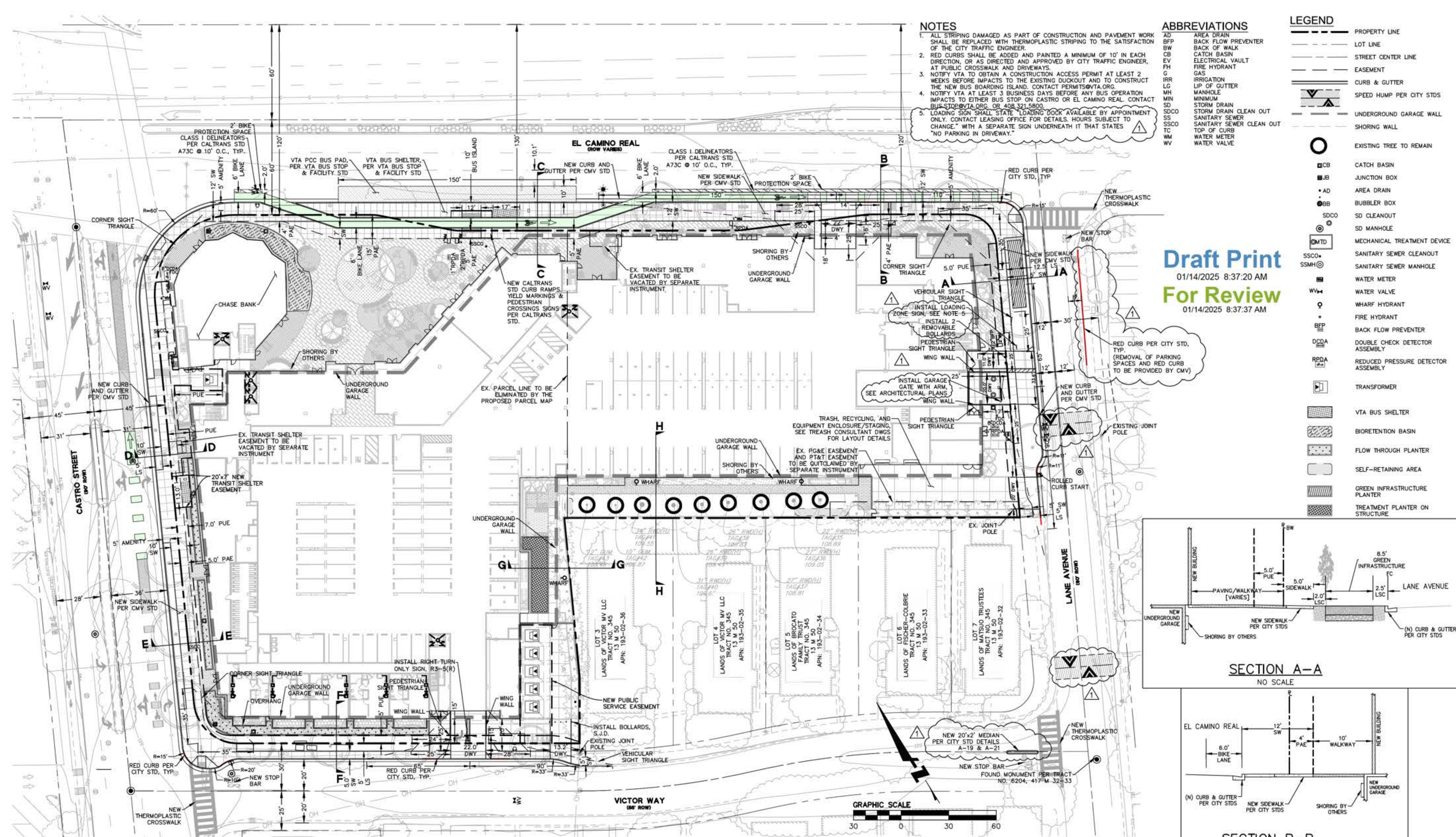
City of
Mountain View

CITY OF MOUNTAIN VIEW, CALIFORNIA
PUBLIC WORKS DEPARTMENT
500 CASTRO STREET, MOUNTAIN VIEW, CA 94041

SPEED HUMP DETAILS

DRAWN	N. MEDESTOMAS	CHECKED	T. CHENG	DATE	12-09-22	SCALE	NTS	SHEET	2 OF 2
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EXHIBIT B

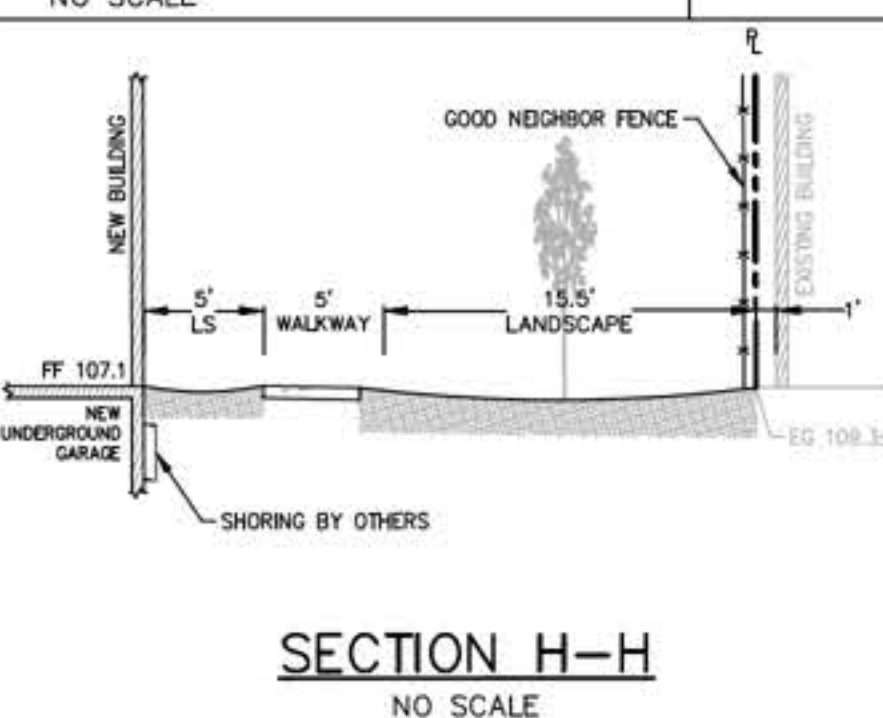
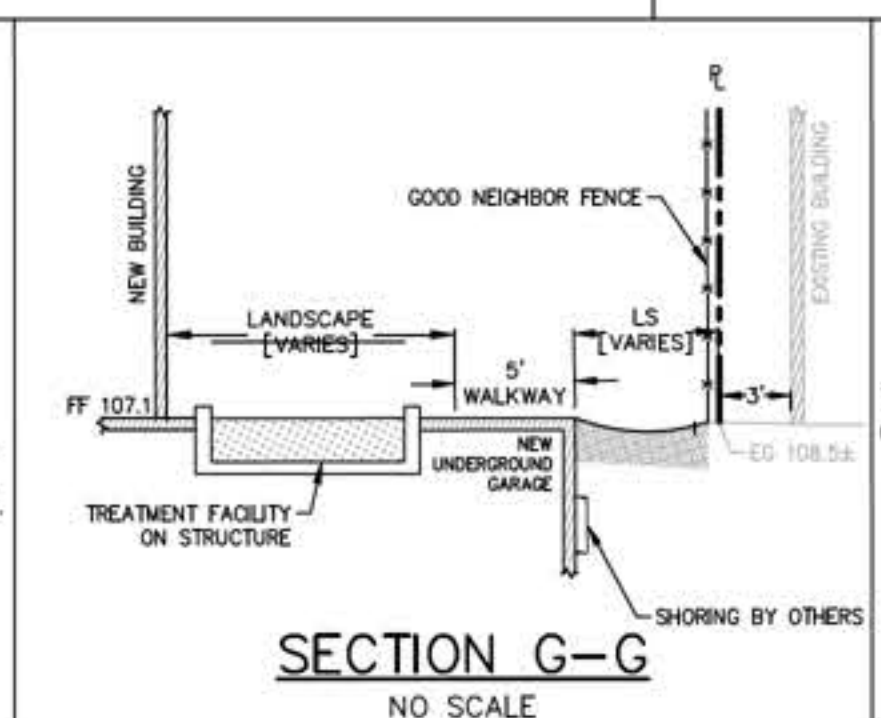
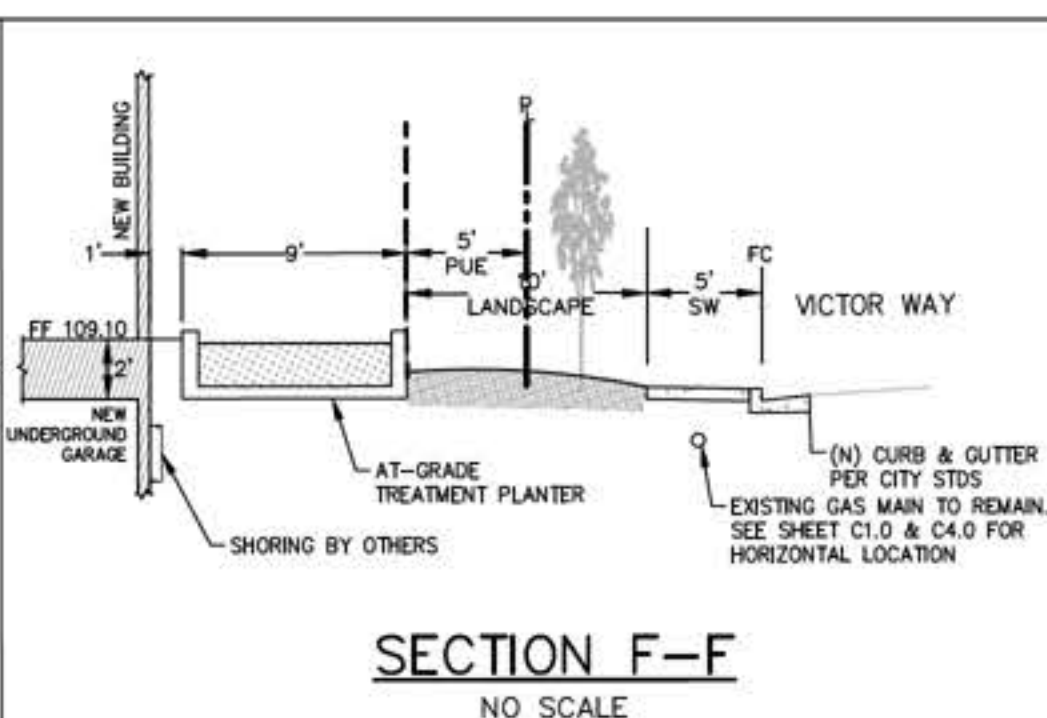
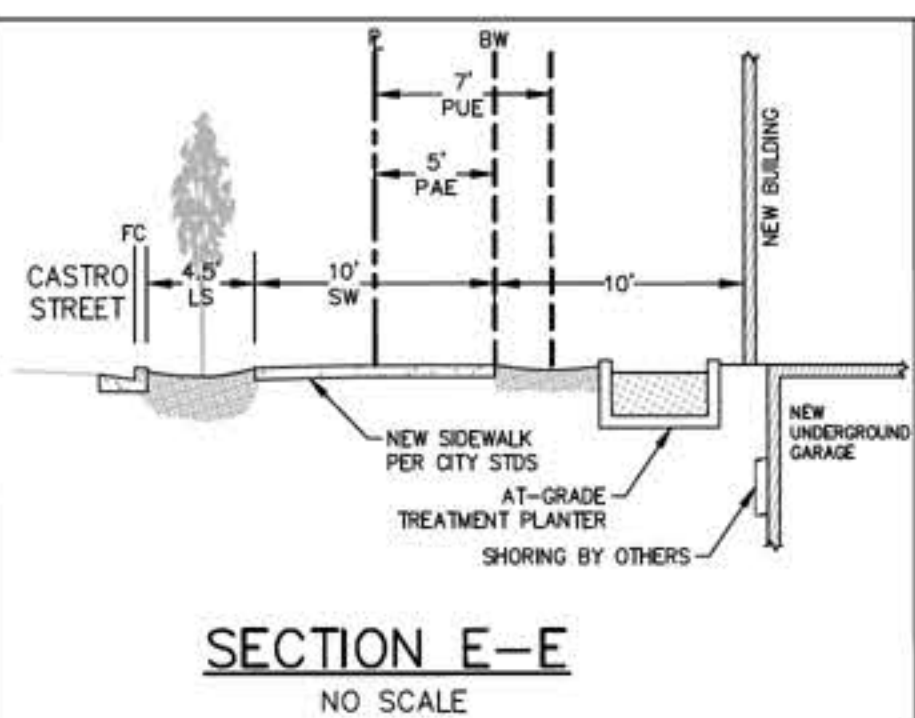
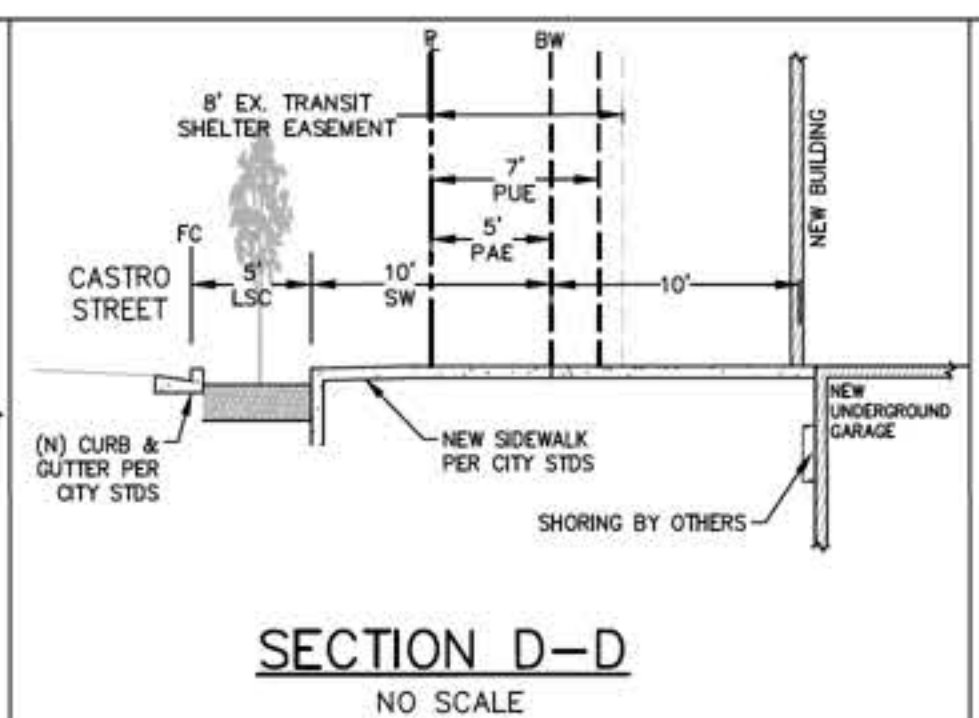
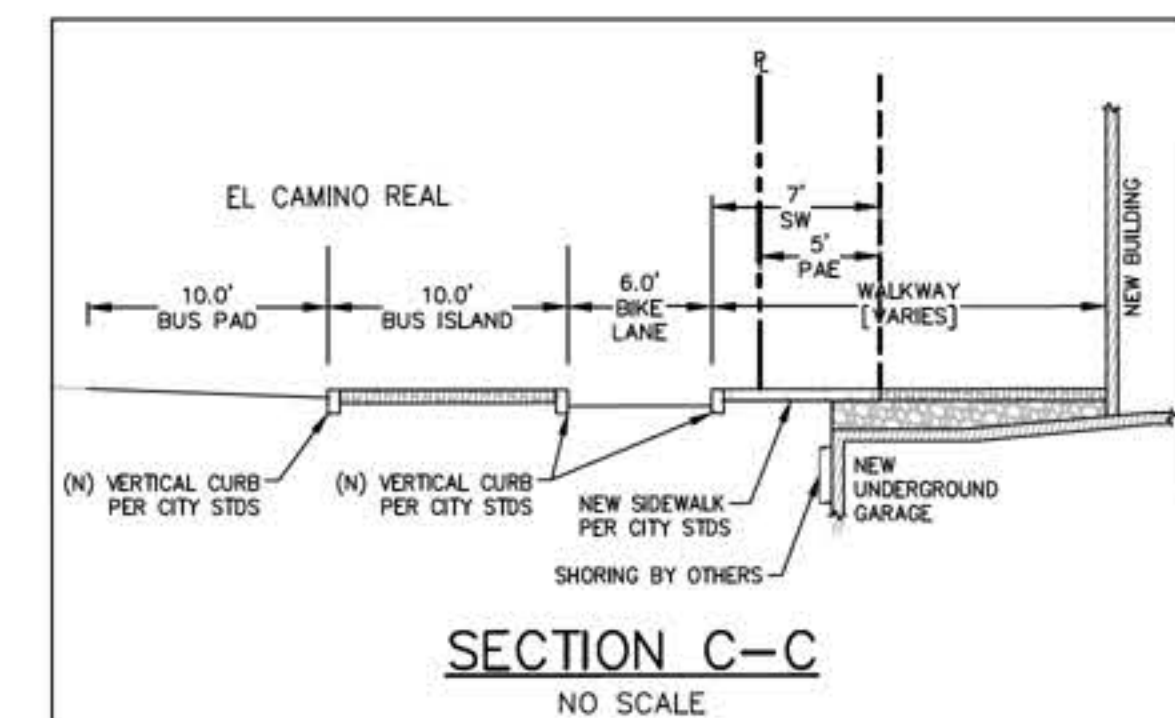
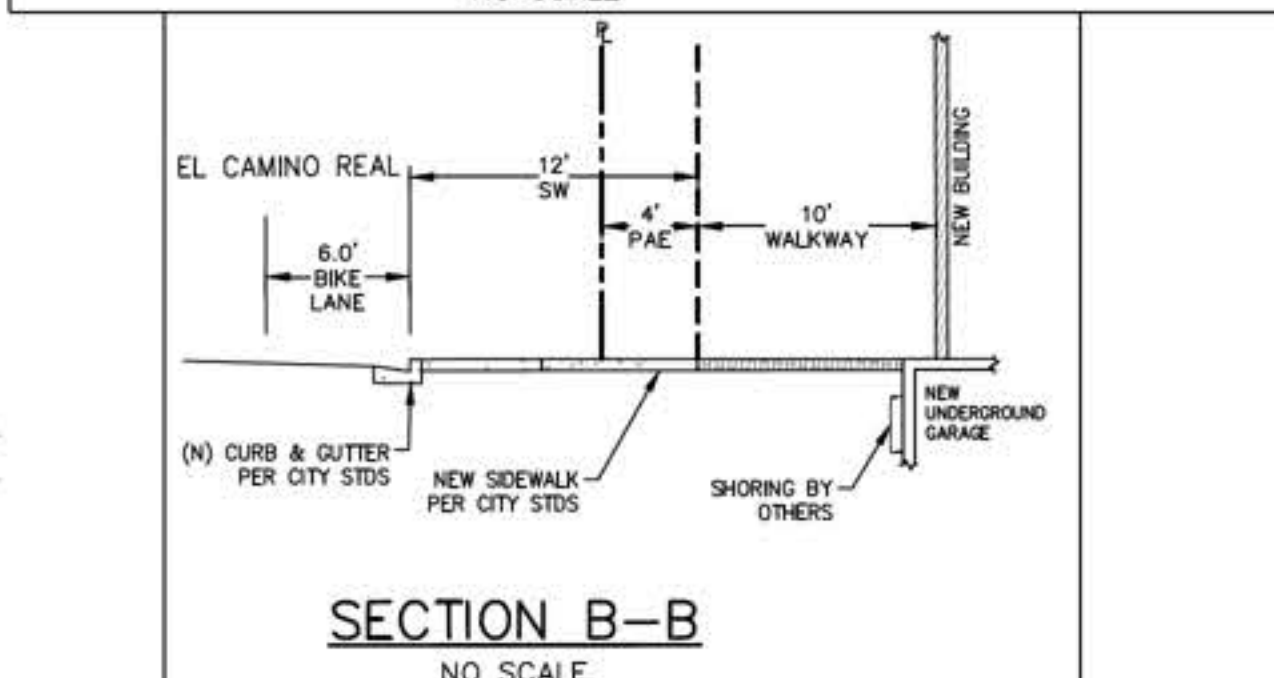
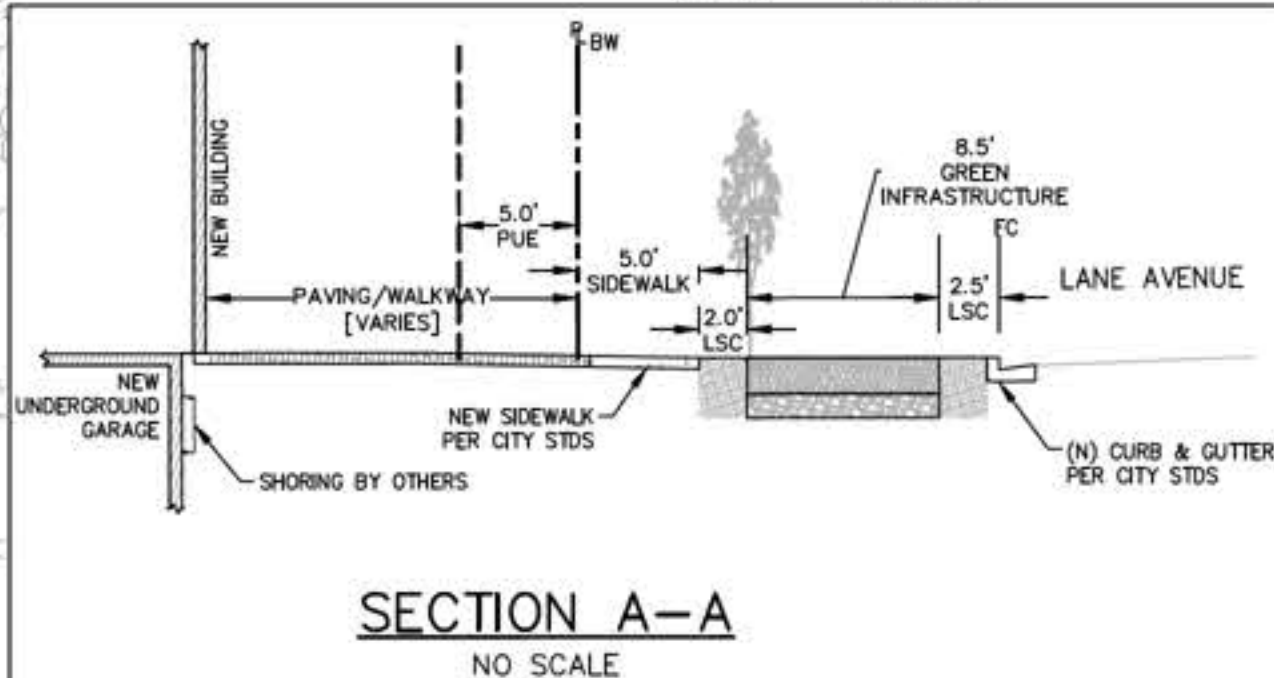


- NOTES**
1. ALL STRIPING DAMAGED AS PART OF CONSTRUCTION AND PAVEMENT WORK SHALL BE REPLACED WITH THERMOPLASTIC STRIPING TO THE SATISFACTION OF THE CITY TRAFFIC ENGINEER.
 2. RED CURBS SHALL BE ADDED AND PAINTED A MINIMUM OF 10' IN EACH DIRECTION, OR AS DIRECTED AND APPROVED BY CITY TRAFFIC ENGINEER, AT PUBLIC CROSSWALK AND DRIVEWAYS.
 3. NOTIFY VTA TO OBTAIN A CONSTRUCTION ACCESS PERMIT AT LEAST 2 WEEKS BEFORE IMPACTS TO THE EXISTING DUCKOUT AND TO CONSTRUCT THE NEW BUS BOARDING ISLAND. CONTACT PERMITS@VTA.ORG.
 4. NOTIFY VTA AT LEAST 3 BUSINESS DAYS BEFORE ANY BUS OPERATION IMPACTS TO EITHER BUS STOP ON CASTRO OR EL CAMINO REAL. CONTACT BUS-STOP@VTA.ORG OR 408.321.5800.
 5. LOADING SIGN SHALL STATE "LOADING DOCK AVAILABLE BY APPOINTMENT ONLY. CONTACT LEASING OFFICE FOR DETAILS. HOURS SUBJECT TO CHANGE." WITH A SEPARATE SIGN UNDERNEATH IT THAT STATES "NO PARKING IN DRIVEWAY."

- ABBREVIATIONS**
- | | |
|------|--------------------------|
| AD | AREA DRAIN |
| BFP | BACK FLOW PREVENTER |
| BW | BACK OF WALK |
| CB | CATCH BASIN |
| EV | ELECTRICAL VAULT |
| PH | FIRE HYDRANT |
| G | GAS |
| IRR | IRRIGATION |
| LG | LIP OF GUTTER |
| MH | MANHOLE |
| MIN | MINIMUM |
| SD | STORM DRAIN |
| SDCO | STORM DRAIN CLEAN OUT |
| SS | SANITARY SEWER |
| SSCO | SANITARY SEWER CLEAN OUT |
| TC | TOP OF CURB |
| WM | WATER METER |
| WV | WATER VALVE |

- LEGEND**
- | | |
|-------|------------------------------------|
| --- | PROPERTY LINE |
| --- | LOT LINE |
| --- | STREET CENTER LINE |
| --- | EASEMENT |
| --- | CURB & GUTTER |
| --- | SPEED HUMP PER CITY STD. |
| --- | UNDERGROUND GARAGE WALL |
| --- | SHORING WALL |
| ○ | EXISTING TREE TO REMAIN |
| ■ | CATCH BASIN |
| ■ | JUNCTION BOX |
| ● | AREA DRAIN |
| ● | BUBBLER BOX |
| ○ | SD CLEANOUT |
| ○ | SD MANHOLE |
| MTD | MECHANICAL TREATMENT DEVICE |
| SSCO | SANITARY SEWER CLEANOUT |
| SSMH | SANITARY SEWER MANHOLE |
| W | WATER METER |
| WV | WATER VALVE |
| ● | WHARF HYDRANT |
| BFP | BACK FLOW PREVENTER |
| DCDA | DOUBLE CHECK DETECTOR ASSEMBLY |
| RPDA | REDUCED PRESSURE DETECTOR ASSEMBLY |
| TRANS | TRANSFORMER |
| VBS | VTA BUS SHELTER |
| FB | BIORETENTION BASIN |
| FTP | FLOW THROUGH PLANTER |
| SRA | SELF-RETAINING AREA |
| GIP | GREEN INFRASTRUCTURE PLANTER |
| TPO | TREATMENT PLANTER ON STRUCTURE |

Draft Print
01/14/2025 8:37:20 AM
For Review
01/14/2025 8:37:37 AM



Architecture
Planning
Urban Design

1970 Broadway, Suite 615
Oakland, California 94612
(510) 451-2850

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Plan Check Comments - 1/13/25

749 W EL CAMINO REAL
MOUNTAIN VIEW, CA 94040

CITY FORMAL APPLICATION

Sheet Title:
PRELIMINARY SITE PLAN

Job No. 19063
Date: 08/23/2024
Scale: AS SHOWN
Drawn By: RM

Sheet No:

C2.0

- LEGEND
- PROPERTY LINE
 - LOT LINE
 - STREET CENTER LINE
 - EASEMENT
 - CURB & GUTTER
 - SPEED HUMP PER CITY STDs



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Planning
Urban Design

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Oakland, California 94612
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Plan Check Comments - 1/13/25

749 W EL CAMINO REAL

MOUNTAIN VIEW, CA 94040

CITY FORMAL APPLICATION

Sheet Title:
PRELIMINARY
SITE PLAN

Job No. 19063
Date: 08/23/2024
Scale: AS SHOWN
Drawn By: RM

Sheet No:

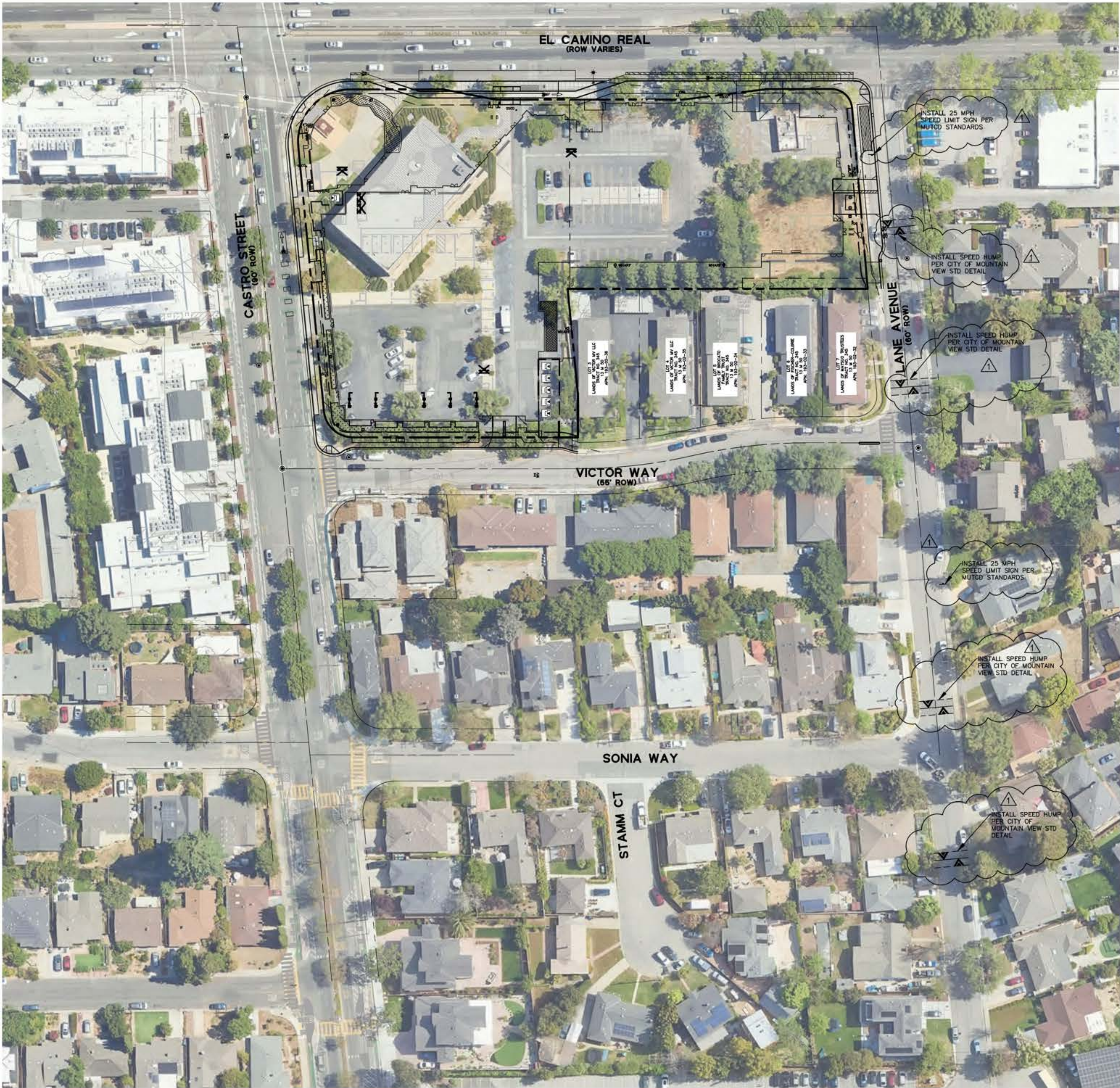
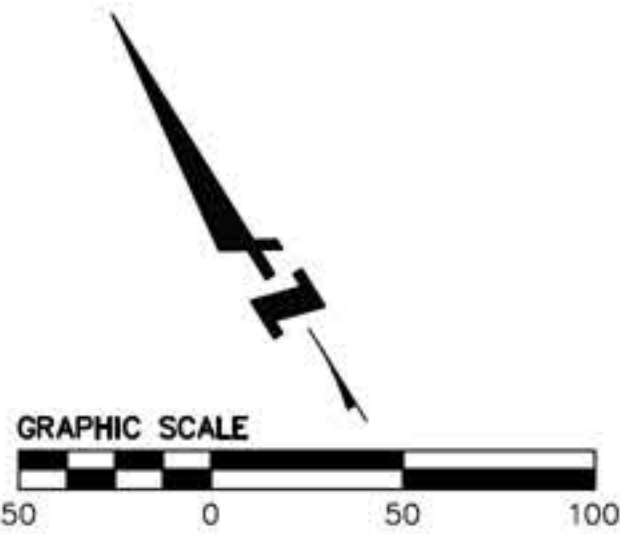
C2.1

Draft Print

01/14/2025 8:39:14 AM

For Review

01/14/2025 8:39:21 AM



From: [Planning Division](#)
To: [Pancholi, Diana](#)
Subject: FW: MVCSP comments on 5.1 Mixed Use Project at 749 West El Camino Real at EPC meeting tonight
Date: Wednesday, October 15, 2025 2:41:18 PM
Importance: High

EPC comments

Nancy Woo-Garcia
Office Assistant /CDD-Planning
Main 650-903-6306

From: Mountain View MVCSP [REDACTED]
Sent: Wednesday, October 15, 2025 2:38 PM
To: epc@mountainview.gov
Cc: , City Manager <city.mgr@mountainview.gov>; , City Clerk <city.clerk@mountainview.gov>; Netto, Margaret <margaret.netto@mountainview.gov>; [REDACTED]
[REDACTED]
Subject: MVCSP comments on 5.1 Mixed Use Project at 749 West El Camino Real at EPC meeting tonight

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

Hello Environmental Planning Commission members:

The Mountain View Coalition for Sustainable Planning (MVCSP) would like to voice our support for the mixed use project at 749 West El Camino Real in Mountain View. Time constraints prevent us from providing a more formal letter, but our support is just as strong regardless.

We have had several presentations with the developer, where they also responded to our questions, comments, and concerns. Our members have been highly supportive of the project as it provides additional housing options for Mountain View, including affordable options. And it provides good infrastructure for those walking, biking, and using transit through the area, and includes impressive design elements, with attention to reuse of elements from the current buildings. It also will take full advantage of the bikeway improvements recently implemented by Caltrans with extensive collaboration with the City of Mountain View.

Sincerely,

Bruce England for the Mountain View Coalition for Sustainable Planning (MVCSP)

From: Lenny Siegel [REDACTED]
Sent: Wednesday, October 15, 2025 12:22 AM
To: epc@mountainview.gov
Subject: Support Chase Bank redevelopment

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

I am writing to support the proposal to build a mixed-use, primarily residential development at the Chase Bank site at 749 West El Camino Real (Item 5.1 on your October 15, 2025 agenda). This is an ideal spot for such a medium-density project.

I appreciate that the developers plan to provide sufficient parking, and that they have made provision to save the bank's artwork.

I have two concerns, however.

First, I generally support the 45-degree plane as a way to requiring setbacks near adjacent properties. The design adjustments should be very strong if a waiver is to be granted.

Second, I am disappointed that the project will provide only 11% (of the 299) below-market units. This appears to be a consequence of poorly designed state density-bonus policies.

I would love to see these two concerns resolved, but I know it's "late in the game." So while I seek creative solutions to my concerns, in balance I ask you to recommend approval of the project.

Lenny

—

Lenny Siegel
[REDACTED]

Author: DISTURBING THE WAR: The Inside Story of the Movement to Get Stanford University out of Southeast Asia - 1965–1975 (See <http://a3mreunion.org>)



10/15/2025

Mountain View Planning Commission
500 Castro St.
Mountain View, CA 94041

epc@mountainview.gov, planning.division@mountainview.gov
Via Email

Re: 749 West El Camino Real
193-02- 049, 193-02-050

Dear Mountain View Environmental Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project is a mixed-use development that will develop the existing site at the southeast corner of the intersection of El Camino Real and Castro Street. The project will replace the bank building, vacant restaurant, and surface parking with a six-story 299-unit apartment complex, with 10,830 square feet of ground floor retail space and at-grade podium parking above two levels of below-grade parking as well as a new 8,483-square foot bank building.

State Density Bonus Law and the Housing Accountability Act provide strong protections for the Project. Under the Density Bonus Law, the City must waive any development standards that physically preclude construction of the Project. Furthermore, California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

With the requested concessions and/or waivers available under State Density Bonus Law, this project is zoning and general plan compliant; therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state and would be eligible to apply for residency in the proposed housing development project.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large, decorative initial 'S'.

Sonja Trauss
Executive Director
YIMBY Law

From: [REDACTED]
To: [Murdock, Christian](#); [Blizinski, Amber](#); [Netto, Margaret](#)
Cc: [Mikhael, Hemali](#); [Gilmore, Christina](#); [, City Clerk](#); [Lo, Laura](#); [Ng, Jennifer](#)
Subject: FW: Concerns about 749 W El Camino
Date: Thursday, November 6, 2025 5:09:50 PM

Hello all,

Please see below email: received as Council Correspondence related to a future agenda item (Nov 18, 2025)

Thank you,

Michal Schultz (she/her)
Administrative Assistant
City of Mountain View
650-903-6600

-----Original Message-----

From: [REDACTED]
Sent: Thursday, November 6, 2025 2:52 PM
To: City Council <city.council@mountainview.gov>
Cc: [REDACTED]
Subject: Concerns about 749 W El Camino

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

Dear Each and Every member of Mountain View City Council, Please consider the real and dangerous effects of this proposed project.

1. Many More Cars in a location 2 blocks from a Middle School with vulnerable children who deserve protection. Remember the traffic-related death of Graham School boy a year or so ago?
It's a serious responsibility for city council members like yourselves.

[REDACTED]
Harpster Drive, Mountain View



July 15, 2025

Mountain View City Council
500 Castro Street
Mountain View, CA 94041

RE: Support for 749 W. El Camino Real Mixed-Use Project

Dear Honorable Mayor and Councilmembers,

On behalf of the Bay Area Council, I am pleased to offer support for the proposed mixed-use development at 749 W. El Camino Real. This project exemplifies the kind of smart, inclusive, and sustainable infill development our region needs to meet pressing housing, climate, and economic challenges.

The Bay Area Council represents more than 350 employers in the region and works to make the Bay Area the best place to live and work in the world. For nearly 80 years we have pushed for solutions to regional housing needs. We support projects that rise especially high to meet the moment of the region's housing crisis by combining aspects of affordability and sustainability.

Greystar's proposed project meets that mark. It reflects thoughtful planning and meaningful community benefit. The project will deliver approximately 299 new homes, including 33 affordable units for low- and very low-income households, in a location that supports walkability, access to transit, and local business activity. In a region starved for housing at all income levels, these homes are a vital addition. The affordability component, fully integrated and built to the same quality and design standards as the market-rate units, shows a real commitment to equity and inclusion.

The site itself is ideally suited for this kind of development. Located along the El Camino Real corridor and within walking distance of the Mountain View Transit Center, the project promotes car-free and car-light living while contributing to the city's goal of revitalizing this key boulevard. We are especially encouraged by the multimodal infrastructure, including protected bike lanes, on-site bicycle storage, and direct access to major bus lines. This is the kind of transit-oriented development envisioned in regional and state plans, and Mountain View is helping to lead the way.

In addition to housing and mobility benefits, the project offers over 32,000 square feet of publicly accessible open space, including a 14,000-square-foot plaza that will provide much-needed community gathering space. The inclusion of ground-floor retail, restaurants, and a new Chase Bank branch will bring day-to-day convenience to residents and neighbors alike. The project's all-electric design, LEED Gold target, and generous tree preservation and planting efforts underscore Greystar's commitment to sustainability and environmental stewardship.

We do want to express concern that this zoning-consistent project, fully aligned with the City's El Camino Real Precise Plan, has taken over four years to reach the public hearing stage.



That extended timeline, combined with high development fees, risks discouraging similarly beneficial projects in the future. When zoning-compliant, climate-smart housing projects are delayed and burdened, the region misses critical opportunities to address housing affordability and sustainability. We encourage the City to consider reforms that streamline approvals for projects like this and ensure that good-faith developers can move forward with certainty.

This project sets a strong example of how Mountain View can grow responsibly while enhancing livability, affordability, and environmental performance. We applaud Greystar's work and the City's vision, and we urge you to approve this proposal and continue working toward a more housing-rich, climate-smart future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Louis Mirante'.

Louis Mirante
Senior Vice President of Public Policy
Bay Area Council

From:

Subject:

Date:

Attachments:

11/18 Council Meeting: Please Approve Greystar's Proposed Mixed-Use Project

Wednesday, November 12, 2025 12:15:48 PM

[AD_4nXcFKaxPH8EwXnnZYplaj9StBrUczQ4Y0nEYrRfy4HcujK92McHBKPTAC2Fh6n8p-DQ4SSA0uVkrolzYPT1B1tVinwXvO0FDHw3eZyJWJrs7c2bX1YWT7IIMSvqvp3su_2hBl1q.png](#)

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

CATALYZE SV

Dear Mt. View City Council,

Back in July, Catalyze SV emailed you below, after our members scored a proposed development from [Greystar at 749 W. El Camino Real in Mountain View](#).

[Our members gave this project](#) an overall score of 5 out of 5! After our members have scored over 70 developments in the last eight years, this is the first one ever to receive a perfect score!

That's why, on behalf of Catalyze SV's members, I can urge you unequivocally to approve the project when it comes before you next week!

Simply put, it's an exceptional project. Greystar's perfect score came because our members score it a 5 out of 5 on all 7 of [our standard categories](#) — Community, Vibrancy, Transportation, Sustainability, Intensity/Zoning, Affordability, & Legacy. You can [read our concise scorecard here](#).

As this project moves toward construction, our members would love to see Greystar:

- pursue a LEED Platinum certification in terms of sustainability (or the equivalent)
- offer [VTA](#) and/or [Caltrain](#) transit passes to its residents

Your approval of this Greystar project and then its construction will serve as a shining example of the quality of development in Mt. View and the City's commitment to solving our region's pesky housing crisis.

Thank you for your public service and your support for sustainable, equitable, and vibrant places for people in Silicon Valley!

With warmth and gratitude,
Alex

--


Executive Director | Catalyze SV
www.CatalyzeSiliconValley.org
[Schedule time w/Alex](#)

On Jul 1, 2025, at 12:50 PM, Jake Wilde <projects@catalyzesiliconvalley.org> wrote:

Hello Dan and Kathy,

Thank you for sharing Greystar's proposal for 749 W El Camino Real with our members at our May Project Advocacy Committee (PAC) meeting.

Your project received a perfect overall score of 5 out of 5 from our PAC members. The comments and feedback provided by our members are explained here:

1. [Letter](#): Our members' constructive feedback on positive elements and recommended improvements.
2. [Scorecard](#): Our members' thoughts on each relevant project category.

A page for the project is also available on [our website](#). The page includes the scorecard, our letter, and additional information about the project.

In the meantime, we're happy to set up a call and answer any questions you might have about our members' feedback.

Thanks again for working with us!

Best,


Manager of Development Projects | Catalyze SV
www.CatalyzeSiliconValley.org