

---

**From:** Peter Katz [REDACTED]  
**Sent:** Tuesday, October 31, 2023 3:55 PM  
**To:** epc@mountainview.gov  
**Cc:** , City Clerk <city.clerk@mountainview.gov>; City Council <City.Council@mountainview.gov>  
**Subject:** Comments on Item 6.1 for EPC Meeting on 11/1/03

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

To: Environmental Planning Commission  
Re: EPC Meeting on 11/1/2023  
Item 6.1 - Amendments to Chapter 36 (Zoning) of the City Code

Dear esteemed members of the Environmental Planning Commission

On behalf of the 750 members of the Mountain View Chamber of Commerce, we wish to thank you for the opportunity to comment on the proposed revisions to Chapter 36 Zoning Ordinance, as they will impact our small businesses and our local economy. Generally the proposed changes to Chapter 36 are positive, however the Chamber would like to comment on a couple of sections for your consideration: the Design Review Committee and Review One Planning Application at a time:

Design Review Committee (DRC) (Page 17 of EPC Staff Report)

The Chamber is supportive of clarifying/modifying the DRC so that the DRC will act in an advisory capacity to the Zoning Administrator and Planning staff in the design review process rather than a recommending body.

However, in further review of the DRC (Page 17) the section states that "these amendments will not alter the DRC public meetings or opportunities for public participation in design review". This is confusing. Will projects still be reviewed by the DRC through publicly noticed meetings etc.? The Chamber thought the goal was to "streamline" the Development Review process - this seems to add more components. It would be helpful if staff could clarify this particular section.

Review One Planning Application at a time (Page 18)

Regarding limiting a developer of a site to one planning application at a time, the Chamber feels that this approach should not be pursued, as it slows down the process and creates more work (and cost) for both the developer and the City. Instead, allowing the applicant to file more than one application for a property

that can be processed simultaneously provides the City the advantage of being able to compare and contrast the proposals and choose the one it likes better. It also utilizes fewer resources than doing it sequentially. Another advantage is that it speeds the project to the market rather than waiting for one project to not work out, and then having the developer re-apply - delaying things for years as well as increasing costs - both for the City and the developer.

It is noted that in a scenario where more than one application is submitted, the Chamber assumes a developer would pay the current fees for all applications.

To further illustrate this approach, attached below is a news article from today's San Jose Mercury News on a project in San Jose where the developer submitted two applications at once, and how it is working to the benefit of all.

Thank you again for this opportunity to comment,

Peter Katz  
President & CEO  
Mountain View Chamber of Commerce

---

## **Huge San Jose housing development is eyed at ex-Fry's Electronics site**

Several hundred homes could sprout at choice San Jose property

By [GEORGE AVALOS](#) | [gavalos@bayareanewsgroup.com](mailto:gavalos@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: October 30, 2023 at 11:45 a.m. | UPDATED: October 31, 2023 at 6:09 a.m.

SAN JOSE — A huge housing development with several hundred residences could be built on the site that once housed the Fry's Electronics headquarters and one of the failed retailer's most iconic stores, city documents show.

The potential residential project also marks a pivot and suggests the site's owners have ditched their plans for a vast tech campus totaling millions of square feet on the property.

The tech industry's move to significantly scale back its appetite for new office space in the Bay Area, particularly in Silicon Valley, has made speculative office projects a much less feasible proposition.

Bay West Development, which had proposed an office campus with up to 2 million square feet of office space on the Fry's site at 550 East Brokaw Road, is now instead pushing forward with a proposal to build residences.

All told, at least 500 residential units — and possibly more than 1,000 housing units — might be built on the Fry's property, which is on a choice site near the interchange of Interstate 880 and East Brokaw Road.

"Pivoting from a tech campus to an only-residential project is the best option at this moment in time," said Bob Staedler, principal executive with Silicon Valley Synergy, a land-use consultancy.

The Bay West Development proposal calls for the redevelopment of the entire Fry's Electronics site in North San Jose, which means an existing store site and warehouse would be bulldozed to clear the way for the project.

Campbell-based Bay West Development officials declined to comment about the company's proposal. Separately, Supermicro Computers has leased 124,200 square feet of warehouse space in one of the buildings that eventually would be demolished for the housing development.

It wasn't immediately clear for how many years Supermicro leased the warehouse space that would eventually be cleared away for the housing project. Bay West Development proposed two different ideas for housing on the site: 1,233 residential units, potentially multi-family residential apartments, and 519 residences of an unspecified type.

The development firm filed separate proposals for each version of the housing it is considering at the Fry's site. Both of the proposals envision a speedy San Jose city review process as allowed by provisions in state law SB 330.

It wasn't immediately clear whether Bay West Development intends to use what's known as a builder's remedy approach, which enables developers of some projects to build beyond what local rules would usually allow in cities that don't have state-mandated housing plans in place. The 550 Brokaw property is the former location of the legendary consumer electronics retailer's Mayan temple-themed store, along with the company's headquarters and warehouse facilities. Fry's Electronics went out of business for good in February 2021. More such conversions from office uses to housing may be necessary in the Bay Area, in Staedler's view.

"The need for housing has only grown and sites like this one can help the city meet its mandated housing goals," Staedler said. "This change in use will also reduce traffic."

--

**Shop Safe, Support Local at *the MV Marketplace!***

**Peter Katz • President & CEO**  
**Mountain View Chamber of Commerce & Foundation**

- [REDACTED]  [REDACTED]
- [REDACTED]  [REDACTED]
- [REDACTED]

--	--	--	--	--



---

**From:** Leona Pearce <[REDACTED]>

**Sent:** Saturday, October 28, 2023 11:07 AM

**To:** [REDACTED]

**Cc:** , Planning Division <Planning.Division@mountainview.gov>; epc@mountainview.gov; Hicks, Alison <Alison.Hicks@mountainview.gov>; Showalter, Pat <Pat.Showalter@mountainview.gov>; Abe-Koga, Margaret <Margaret.abe-koga@mountainview.gov>; Kamei, Ellen <Ellen.Kamei@mountainview.gov>; Matichak, Lisa <Lisa.Matichak@mountainview.gov>; Ramirez, Lucas <Lucas.Ramirez@mountainview.gov>; Ramos, Emily Ann <Emily.Ramos@mountainview.gov>  
**Subject:** Community Comments on EPC Staff Report - Amendments proposed to Chapter 36 (Zoning)

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

Dear Joyce

In response to the Environmental Planning Commission Staff Report for the November 1, 2023 meeting, I would like to make the following comments regarding the amendments proposed to Chapter 36 (Zoning) of the City Code.

1. **Two Story ADU Height Allowance** - why opt to have such a restrictive height limit of 18 feet for a two story ADU? This does not promote premium aesthetics and it basically means that you have to have a flat roof on your two story ADU. A typical two-story house is 20 to 25 feet in height. The DUO code has exactly the same set back requirements of 4 feet from the fenceline and the DUO code allows a maximum building height for a two-story structure of 28 feet.
2. **Second Story Balcony** - why is a detached ADU completely prohibited from having a balcony? Could the code be written to require the balcony section to have the same setback requirements as a second-story balcony on a single-family home? In our case, the balcony we would like to have does not overlook the neighbors, faces inwards onto our property and is 12 feet from the fenceline. Having the opportunity to be outdoors is why we all live in California. If you have a two story ADU, being able to enjoy time outside when you are on your second story should be encouraged.

Thanks Leona

---

**From:** Serge Bonte <[REDACTED]>

**Sent:** Monday, October 30, 2023 7:55 PM

**To:** epc@mountainview.gov; [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** re: EPC Meeting 11.1.23 Agenda Item 6.1- Zoning Changes for Hydrogen Fueling Stations

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

Honorable Chair and Environmental Planning Commissioners:

I am writing to share some comments on the proposed changes to allow Hydrogen Fueling Stations "by right",

There might have been a time where Hydrogen was viewed as a promising clean alternative source of energy for cars.

While Hydrogen is a clean (zero emissions) fuel for cars, its production and transportation generate lots of emission..Also, given the abysmal number of hydrogen cars in California (less than 2,000 sold this year see <https://calmatters.org/environment/2023/09/hydrogen-cars-california-funding-legislature/>), hydrogen is clearly now the Betamax of alternative fuel for cars.

So as of today, hydrogen is an unclean and non viable alternative source of energy for cars.

I understand that this zoning change is required by law. but I would like the City to restrict Hydrogen Fueling Stations to existing Gas Stations.

Mountain View has already 17 or 18 gas stations; that's plenty enough as each gas station generates traffic, rips for tankers full of highly flammable content, conflicts with cyclists and pedestrian, light pollution.. all sorts of nuisances we should cap not extend.

As an aside a much better land use to a new standalone fueling station would be a bike store (currently zero of them located in Mountain View proper) which ironically might still be subject to a CUP..

If the ordinance restricts hydrogen fueling pumps to existing gas stations, it (along with the state subsidies for hydrogen fueling pumps) might be a good way for gas stations operators to diversify (in case Hydrogen avoids Betamax's fate).

Thanks for your consideration

Serge Bonte  
Mountain View



October 31, 2023

Re: November 1, 2023, Agenda Item 6.1 – Amendments to the Zoning Code

Dear Chair Yin and Members of the Environmental Planning Commission:

The League of Women Voters (LWV) supports policies that increase the stock of affordable housing and improves clarity and consistency in the development process.

We support staff's efforts to bring our City Code into compliance with state law and the Housing Element, as well as codification of existing procedures. However, we are concerned that the amendments provided would not make our Code fully compliant, as laws such as [SB 478 \(2021\)](#) on minimum FARs and [AB 2334 \(2022\)](#) on changes to the definition of base-density under state density bonus: are left unaddressed. Additionally, we are concerned about how long it has taken for compliance, given that these laws came into effect last January or earlier ([AB 101](#) back in 2020); there will be laws coming into effect next January that the city should be prepared for, such as [AB 1033](#) on allowing ADUs to be sold or [SB 684](#) on small development streamlining.

On low barrier navigation centers, commercial and industrial zones are not the only areas of the city zoned for "mixed use and nonresidential zones permitting multifamily uses." In particular, there is no mention of how precise plans will need to be amended to come into compliance with AB 101 or any other laws.

Please send any questions about this letter to Kevin Ma, Co-Chair of the Housing Committee, at [REDACTED]

Sincerely,

Katie Zoglin  
President  
Los Altos-Mountain View Area LWV

C: Krishna Penollar  
Lindsay Hagan  
Aarti Shrivastava

---

From: James Kuszmaul [REDACTED] >  
Sent: Tuesday, October 31, 2023 4:16 PM  
To: [epc@mountainview.gov](mailto:epc@mountainview.gov)  
Subject: Public Comment on Item 6.1 – Request for Amendments to Chapter 36 (Zoning) of the City Code

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

Dear Chair Yin & Members of the Environment Planning Commission,

Mountain View YIMBY is happy to see the proposed zoning code amendments that implement the latest state housing laws, begin implementation of the Housing Element, and generally clean up the city zoning code. However, several of the proposed amendments either (a) do not appear to fully bring us into compliance with state housing law or (b) would benefit from minor pro-housing tweaks. We would also generally encourage the city to take maximally pro-housing interpretations of state housing law when there is ambiguity.

### **AB2097 Applicability**

The map of AB2097 areas in Exhibit 3 identifies “major transit stops” as defined by Section [21064.3](#) of the California Public Resources Code, whose third definition is “the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” The map currently excludes areas along El Camino Real. However, we believe that the 22/522 stops on El Camino qualify under this definition.

The 22 and 522 lines each meet the frequency threshold and share stops in Mountain View at El Camino & Showers, El Camino & Castro, and El Camino & Bernardo (see this [2021 map from MTC](#)). In September 2022, Los Altos received guidance from the Metropolitan Transportation Commission and the Governor’s Office of Planning and Research that the El Camino & Showers stop did qualify as a “major transit stop” (see [this memo](#)) to allow 330 Distel Circle, an affordable housing development, to qualify for further incentives. Mountain View YIMBY has reached out to HCD to try to determine if there is any updated guidance on this difference of interpretation, but while we wait we would like the city to take a maximally pro-housing interpretation of state law and treat the 22/522 shared bus stops as “major transit stops.” Using the safer interpretation that the City of Los Altos and the [City of Santa Clara](#) are using would also save staff time in the future as they would not have to further navigate ambiguity or expend bandwidth soliciting or responding to updates from HCD.



Note that because the proposed zoning code amendments directly reference the Public Resources Code, this interpretation may not directly require any changes to the proposed amendments, but rather to how the city implements them. Note that the reference on Page 51 of Exhibit 1 to “Section 22155 of the Public Resources Code” should presumably read “Section [21155](#) of the Public Resources Code.”

Although AB2097 does permit the imposition of parking mandates for hotels, it is not clear why the city should continue to do so; we would encourage striking Section 36.32.50(b)(2) and allow hotels to right-size their parking needs and avoid parking underutilization (see Ameswell).

Additionally, regardless of the AB2097 implementation, Mountain View YIMBY would encourage the city to take the opportunity to fully implement program 1.2(b) of the Housing Element by expanding subsection 36.32.50(b)(1) to exempt all developments in the relevant precise plan areas from parking minimums. This would save the city from having to revisit this when we eventually implement that section of the Housing Element.

### **Low Barrier Navigation Center Zoning**

State law states “[a] Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses” (Section [65662](#) of the Government Code). While we do appreciate that staff propose to exceed the state minimums to permit them in industrial and office zones as we do with emergency shelters, the state definition should also apply to precise plan areas that permit mixed use development. Mountain View YIMBY would encourage the city to permit Low Barrier Navigation Centers throughout the city in order to maximize opportunities for siting such a societally-necessary resource.

### **Separate Sale of ADUs**

The recently passed [AB1033](#) allows cities to authorize ADUs to be sold separately without condition. Given that the city is already updating the code to comply with AB345, we urge the city to further expand opportunities for entry-level homeownership in the city and incentivize additional ADU construction by utilizing AB1033.

### **Second-Story Decks**

It is unclear to us why the city should ban second-story decks/balconies on detached ADUs, and doing so is likely to disincentivize ADU production without clear benefits. Given that past council direction was specific to SB9 implementation, we would encourage revisiting this later once some ADUs get developed under the new rules rather than allowing the second-story deck ban to expand to new contexts from the start. We generally oppose any arbitrary and unnecessary constraints on housing development, including the original ban in DUO developments.

### **Permit Application Cap**

We oppose the proposed cap on the number of zoning permit applications for a single parcel. The existing process already requires that a developer pay cost-recovery fees with every individual application, and if developers are finding that it makes sense to file multiple applications (and thus do the extra paperwork and pay the corresponding fees), then the city should work to understand and resolve the issues that those developers are encountering rather than forbidding the developers from having multiple applications.

### **Conclusion**

Mountain View YIMBY particularly appreciates the ways in which the current proposal already exceeds the bare minimum requirements of state law. We look forward to seeing these code amendments move forward and appreciate the effort that has been put toward updating the city zoning code.

James Kuszmaul,

On behalf of Mountain View YIMBY

[pdf of letter attached]