



LEAGUE OF WOMEN VOTERS
of the Los Altos-Mountain View Area
97 Hillview Avenue, Los Altos, CA 94022

January 27, 2013

Mayor John Inks and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: City Council Meeting January 29, Agenda Item 8.1 – Gatekeeper Requests

Dear Mayor Inks and Members of the City Council:

The League of Women Voters of the Los Altos-Mountain View Area would like to comment again on the first and second Gatekeeper Requests, in addition to commenting on the third request. As we stated at earlier Council meetings, including the November 20th meeting, we think that the Gatekeeper time is the most appropriate time for Council to direct staff to talk to prospective developers about whether they might provide below-market-rate (BMR) units in return for concessions they may be requesting from the City, although we believe the negotiations can continue until the project's rezoning is finally approved.

Regarding the Gatekeeper rezoning request by Prometheus for the property at 1616 El Camino Real West, we repeat what we stated earlier. We would request that the Council negotiate with this developer to provide below-market-rate ("BMR") rentals on-site, based on two separate rationales. First, we urge the City to negotiate for BMR's in exchange for waiving the rental housing impact fees recently adopted by Council. But, **in addition**, we encourage the City to negotiate for BMR units at this site because the City, if it grants this rezoning request, will be giving the developer a zoning concession which has great economic value to the developer.

The staff report suggests that by adopting the rental housing impact fee ordinance, the affordable housing issues for this rezoning have been resolved. We respectfully disagree. The rental housing impact fee ordinance would be applied to this project whether or not they were requesting a rezoning. The prospective legislative act of the rezoning is another opportunity for the Council to negotiate a Development Agreement with Prometheus, where additional BMR's, above and beyond those that might be equivalent to the rental housing impact fees, should be provided on-site as a quid pro quo for these zoning concessions. We believe that the Community Development Director and the City Attorney concurred at the November 20th Council meeting that Development Agreements for BMR's could be negotiated based on both of the rationales referenced above.

When the EPC considered a similar issue on January 16 with regard to the Tropicana site next to this site, they were unanimous in encouraging the City to negotiate for BMR units on-site, in exchange for the zoning change which will save Prometheus much time and therefore much money, **as well as** in exchange for a waiver of the rental housing impact fee.

In the case of the request for the General Plan Amendment by the owners of 400-520 San Antonio Road and neighboring parcels encompassing up to 14 acres on the west side of San Antonio Road, we believe there is an even stronger basis for negotiating for BMRs on-site, should consideration of the General Plan amendment be allowed to proceed and should the multifamily development proposed by The Pillar Group be rental housing. This is a significant zoning change request in light of the fact that the General Plan was so recently approved. Thus, we urge the Council to discuss a Development Agreement including at least 10% BMR's per the 1999 ordinance as a quid pro quo for the GP amendment, perhaps along with other concessions/community benefits from the developers.

Regardless of whether the present owners are the eventual developers of the multifamily project envisioned by this Gatekeeper Request, we would expect that the City could draft an appropriate Development Agreement with the landowners which would bind the current landowners and any successors in interest, including the actual developer. And if the multifamily development is ownership housing, we would urge the Council to ask staff to negotiate with the applicant for appropriate community benefits, which could include on-site rental BMR's or higher in-lieu fees, in exchange for this major zoning concession requested by the owners.

Finally, with regard to the third Gatekeeper Request, again Pulte Homes is asking for concessions from the City that warrant the City negotiating a Development Agreement with Pulte Homes, such that the developer would provide some community benefits in exchange for these concessions. Should Pulte build any rental housing, we hope that some BMR's will be built on-site as a community benefit; should the development be entirely ownership housing, we urge the same approach suggested for The Pillar Group above.

We heard Council support for such Development Agreements at the November 20th Council meeting and hope that the new Council will voice its support for negotiating for BMR's with these developers.

Sincerely yours,

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Co-Chair, Housing Committee
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