

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW AUTHORIZING THE CITY MANAGER OR DESIGNEE TO: (1) AMEND THE LEASE AGREEMENT WITH TERRA BELLA II, LLC, FOR SAFE PARKING TO EXTEND THE TERM THROUGH JUNE 30, 2024; (2) AMEND THE LEASE AGREEMENTS WITH THE COUNTY OF SANTA CLARA FOR THE OPERATION OF SAFE PARKING AT: (A) SHORELINE AMPHITHEATRE LOT B AND 1020 TERRA BELLA AVENUE TO EXTEND THE TERM THROUGH JUNE 30, 2024 AND ADD A FIRE SAFETY PROVISION; (B) 1020 TERRA BELLA AVENUE TO ALSO ADD A REQUIRED TRANSITION PLAN; AND (C) 87 EAST EVELYN AVENUE TO EXTEND THE TERM THROUGH SEPTEMBER 21, 2023 AND ADD A FIRE SAFETY PROVISION; AND (3) AFTER THE CITY HAS ACQUIRED 87 EAST EVELYN AVENUE, FURTHER EXTEND THE TERM OF THE COUNTY OF SANTA CLARA'S LEASE AGREEMENT FOR SAFE PARKING THROUGH JUNE 30, 2024; AND FINDING THESE ACTIONS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CALIFORNIA CODE OF REGULATIONS TITLE 14, SECTIONS 15301 AND 15061(B)(3)

WHEREAS, the City is the owner of the property located at One Amphitheatre Parkway, Mountain View, commonly referred to as the Shoreline Amphitheatre; and

WHEREAS, on May 10, 2006, the City and Shoreline Regional Park Community entered into an Amended and Restated Amphitheatre Ground Lease Agreement with Live Nation Worldwide, Inc., related to Shoreline Amphitheatre; and

WHEREAS, the City executed lease amendments with Live Nation Worldwide, Inc., to the Amended and Restated Amphitheatre Ground Lease Agreement to allow for safe parking use on a portion of Shoreline Lot B ("Shoreline Lot") through December 31, 2022, with annual options to renew through December 31, 2025; and

WHEREAS, Terra Bella II, LLC, is the owner of property located at 1020 Terra Bella Avenue, Mountain View; and

WHEREAS, the City and Terra Bella II, LLC, entered into a lease agreement on June 24, 2021, as amended, for use of the 1020 Terra Bella Avenue, Mountain View ("Terra Bella Lot") for the provision of safe parking, which is set to expire by June 30, 2023; and

WHEREAS, the Santa Clara Valley Transportation Authority ("VTA") is the owner of property located at 87 East Evelyn Avenue, Mountain View ("Evelyn Lot"); and

WHEREAS, VTA and City entered into a Ground Lease dated September 21, 2021 for the Evelyn Lot, which grants City the right to purchase the land in accordance with its terms and

conditions and authorizes the City's interim use for safe parking through September 21, 2023; and

WHEREAS, on May 7, 2019, the City Council authorized the City Manager to exercise the purchase option of the Evelyn Lot, the City has exercised its option to purchase and, upon close of escrow, the City will own the site; and

WHEREAS, on June 11, 2019, the City Council adopted Resolution No. 18353, authorizing operation of a Safe Parking Program at Shoreline Amphitheatre Lot B ("Shoreline Lot B"); and

WHEREAS, on February 25, 2020, April 14, 2020, and June 30, 2021, the City Council authorized lease agreements, and subsequently authorized amendments thereto, with the County of Santa Clara ("County") for the provision of safe parking at the Shoreline Lot, Evelyn Lot, and Terra Bella Lot, respectively, with term end dates of June 30, 2023; and

WHEREAS, the City desires to amend the lease agreement with Terra Bella II, LLC, to extend the term through June 30, 2024; and

WHEREAS, the City desires to amend the lease agreements with the County for the Terra Bella Lot and Shoreline Lot to extend the term for safe parking at the lots through June 30, 2024 and add a fire safety provision to grant City access to the lots for fire extinguisher inspections; and

WHEREAS, the City desires to also amend the lease agreement with the County for the Terra Bella Lot to add a required transition plan in anticipation of the closure of the lot due to a future affordable housing development at the site; and

WHEREAS, the City desires to amend the lease agreement with the County for the Evelyn Lot to extend the term for safe parking through September 21, 2023 and add a fire safety provision to grant City access to the lot for fire extinguisher inspections; and

WHEREAS, after the City has acquired the Evelyn Lot, the City desires to amend the Evelyn Lot lease agreement with the County to further extend the term through June 30, 2024; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby authorizes the City Manager or designee to amend the lease agreement with Terra Bella II, LLC, for use of the Terra Bella Lot for the provision of safe parking to extend the term through June 30, 2024; and be it

FURTHER RESOLVED: that the City Manager or designee is hereby authorized to amend the lease agreements with the County for safe parking at the Shoreline Lot and Terra Bella Lot to extend the term through June 30, 2024 and add a fire safety provision granting the City access to the lots for fire extinguisher inspections, and at the Terra Bella Lot to add a required transition

plan in anticipation of the closure of the lot due to a future affordable housing development at the site; and be it

FURTHER RESOLVED: that the City Manager or designee is hereby authorized to amend the lease agreement with the County for safe parking at the Evelyn Lot to extend the term through September 21, 2023 and add a fire safety provision granting the City access to the lot for fire extinguisher inspections; and be it

FURTHER RESOLVED: that once the City has acquired the Evelyn Lot, the City Manager or designee is hereby authorized to further amend the Evelyn Lot lease agreement with the County to extend the term through June 30, 2024; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View hereby finds that adoption of this Resolution and related actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines applicable to minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use, and Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City considered the potential exceptions to the categorical exemptions pursuant to Section 15300.2 and concluded they are not applicable. Use of the existing parking/vacant lots in the operation of temporary safe parking does not impose a significant cumulative impact over time as the use as a parking lot is generally unchanged; is not an unusual circumstance for a city in the Bay Area attempting to assist the homeless and unstably housed affected by the regional housing crisis; does not impact scenic or historical resources; and does not entail hazardous sites as it relates to existing parking/vacant lots.

MS/8/RESO
625-06-27-23r-3