

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING THE DOWNTOWN P(19) PRECISE PLAN TO INCLUDE
A TEMPORARY LIMIT ON NEW OFFICE DEVELOPMENT UNTIL DECEMBER 31, 2024, AND
FINDING THE AMENDMENT TO BE CATEGORICALLY EXEMPT UNDER SECTION 15061(b)(3)
OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

WHEREAS, the Downtown Precise Plan is one of the older Precise Plans in the City of Mountain View, and has not been substantially amended in decades, over which time the downtown area has undergone redevelopment and been largely built out; and

WHEREAS, in particular, there has been a significant amount of new office development in downtown over the years, including a recently approved office project that will add another 100,000 square feet of office uses on a large downtown site; and

WHEREAS, office development has outpaced new residential, retail, and other development; and

WHEREAS, employment-generating office developments worsen the existing jobs-housing imbalance in downtown, driving the need to construct more housing and fund affordable housing; and

WHEREAS, at the same time, retailers and restaurants may depend on office employees as customers to maintain the vibrancy and character of downtown; and

WHEREAS, based on the study and analysis for the Downtown Parking Strategy, office uses were found to occupy more of the existing public parking for longer periods of the day than other uses; and

WHEREAS, the State recently adopted Assembly Bill 2097, effective January 1, 2023, which prohibits imposition and enforcement of minimum parking requirements for development located within one-half mile of a major transit stop, such as the Mountain View Downtown Transit Center, and, as a consequence, the City's ability to require on-site parking or parking in-lieu fees in the downtown to address parking demand in an already-impacted area will be curtailed; and

WHEREAS, the Downtown Precise Plan was prepared and adopted at a time when there were more developable sites downtown and the jobs-housing imbalance was less severe; and

WHEREAS, after almost 35 years of development under the Downtown Precise Plan, few developable parcels remain downtown; and

WHEREAS, the City requires time to study the effects of office development on the downtown, including transportation and parking, jobs-housing balance, and customer activity, as well as residential development constraints and densities, and to identify policies and standards to encourage housing development downtown; and

WHEREAS, the City also requires a temporary pause in substantial new office development to further implement its adopted Downtown Parking Strategy and take other measures to address transportation and parking demand in the downtown; and

WHEREAS, procedures set forth in Chapter 36 Article XVI, Division 11 of the Mountain View City Code, whereby the City can amend a Precise Plan, have been executed; and

WHEREAS, Chapter 36 of the City Code requires the City’s Environmental Planning Commission and City Council each hold a duly noticed public hearing before a Precise Plan is amended; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on November 2, 2022 and recommended the City Council approve the Downtown P(19) Precise Plan Amendments to limit office development until December 31, 2024; and

WHEREAS, the City Council held a public hearing on _____ and received and considered all evidence presented at said hearing regarding the Downtown Precise Plan Amendment, including the recommendation from the Environmental Planning Commission, City Council report, project materials, testimony, and written materials submitted, now therefore, be it

RESOLVED: by the City Council of the City of Mountain View that the City Council hereby adopts the above recitals as findings; and be it

FURTHER RESOLVED: by the City Council of the City of Mountain View that the City Council hereby makes the findings for amendment of the Downtown Precise Plan, pursuant to Section 36.50.95 of the City Code:

- a. The proposed Precise Plan Amendment is consistent with the General Plan because the proposed amendment does not change the mix of uses allowed in the Precise Plan or exceed the maximum densities or intensities specified by the General Plan Land Use Designation and supports General Plan Policy *LUD 3.2: Mix of Uses* and *MOB 7.3: Public Parking Management*;
- b. The properties covered by the proposed Precise Plan Amendment are within the Planned Community (P) Zoning District;

c. The proposed Precise Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the limitation would result in smaller-scaled office development or in other types of permitted development that would not exacerbate any existing job-housing imbalance or result in additional parking impacts to downtown or adjacent residential neighborhoods, and, further, the office limit is only a temporary provision that will provide an opportunity for the City to address these and other issues;

d. The proposed Precise Plan Amendment promotes development of desirable character, harmonious with existing and proposed development in the surrounding area, because the amendment will not result in an impact to existing development and will temporarily limit the size of future office development;

e. The site has special conditions of size, shape, land ownership, existing development, or development opportunities that can only be addressed by approval of the proposed Precise Plan Amendment because the sites are regulated by development standards and policies of the Downtown P(19) Precise Plan; and

f. The approval of the proposed Precise Plan Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because it is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule (“common sense” exemption) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The reduction in office FAR will reduce environmental effects. It will also reduce the likelihood that new office development will occur during the temporary period and promote development of transit-friendly residential and mixed-use development that will contribute to vehicle miles traveled reductions and other reduced impacts. It is also a temporary limit (two years), so developers may choose to delay projects, further reducing the potential of impacts within the two years. Further, pursuant to CEQA Guidelines Section 15162, preparation of subsequent or supplemental review is not required because the amendment would not result in any new or worse impacts to the environment than previously disclosed in previous environmental documents (including the 1999 Initial Study/Mitigated Negative Declaration and 2012 General Plan EIR) for the reasons stated above; and be it

FURTHER RESOLVED: by the City Council of the City of Mountain View that the Downtown Precise Plan Amendment, as more specifically shown in Exhibit A, attached hereto and incorporated herein by reference, is hereby approved.

KP/4/RESO
828-11-02-22r

Exhibit: A. Precise Plan Amendment

DRAFT



*Downtown
Farmer's
Market.*

**DOWNTOWN PRECISE PLAN
(P19)**

ADOPTED BY THE MOUNTAIN VIEW CITY COUNCIL

JANUARY 12, 1988

RESOLUTION NO. 14753

<u>AMENDED</u>	<u>RESOLUTION NO.</u>	<u>SUMMARY</u>
February 29, 2000	16457	Update use and development standards in Areas A through G.
April 24, 2001	16597	Incorporate sign requirements and design.
May 25, 2004	16887	Update use and development standards in Areas H, I and J; parking, density, historical preservation and administrative standards.
November 10, 2015	18002	Modify ground-floor office use in Area J.
October 2, 2018	18248	Designate cannabis businesses as a land use.
June 11, 2019	18347	Amend cannabis business land uses.

January 5, 2023

Establish a Temporary Limit on Office

Development

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G. TEMPORARY OFFICE DEVELOPMENT LIMIT

1. Objectives:

This temporary office development limit allows the City the opportunity to study issues affecting the Downtown, including the jobs-housing imbalance, parking impacts from large-scale office developments and the appropriate concentration of daytime population generated from office businesses that can support the retail/restaurant businesses in Downtown.

2. Standards:

- Development projects for new office construction and additions shall be subject to a temporary office development limit of 0.35 FAR, notwithstanding other provisions of the Downtown Precise Plan. This limit shall apply until December 31, 2024.
- This limit applies to all new office uses, including but not limited to administrative offices, banks and financial institutions, and research and development offices. Medical and dental offices are not considered “office” uses.
- This limit shall not apply to the following projects:
 - Small changes in square footage associated with façade upgrades and other minor improvements to existing buildings.
 - Government-owned property;
 - Projects with a development agreement pursuant to Government Code Sections 65864 et seq.; or
 - Entitled projects with all required Zoning Code permits as of January 5, 2023.
- This limit only applies to new construction and additions. Existing office uses that exceed 0.35 FAR are not rendered nonconforming by this section and may be replaced. Nor shall any change in use or expansion of office use within an existing building be subject to this development limit. However, existing office FAR shall be counted toward the FAR limit for office additions.