



OFFICE OF THE CITY MANAGER • COMMUNITY DEVELOPMENT DEPARTMENT  
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July 2, 2021

Linda Mandolini  
Eden Housing  
22645 Grant Street  
Hayward, CA 94541

Via Post and Via Email

STREAMLINED MINISTERIAL APPROVAL FOR THE PROJECT AT 1100 LA AVENIDA STREET (APPLICATION NO. PL-2021-071)

Dear Ms. Mandolini:

This letter serves as ministerial approval (“Approval”) of the project at 1100 La Avenida Street, Application No. PL-2021-071 (“Application”), pursuant to Government Code Section 65913.4, one of the statutes enacted under Senate Bill 35 (SB 35).

This Approval is granted to construct a four-story apartment building with 100 affordable units and associated site and landscape improvements, a 96% density bonus with development waivers, and the removal of 17 Heritage trees, replacing an existing single-story office building on a 0.96-acre site located on Assessor’s Parcel No. 116-14-111. This project is located on the northwest corner of La Avenida and Armand Drive in the P-39 (North Bayshore) Precise Plan.

Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- A. Project plans prepared by David Baker Architects, date stamped May 18, 2021.
- B. Density Bonus Application prepared by Eden Housing, date stamped May 18, 2021.

Basis for Approval

Government Code Section 65913.4 sets forth a streamlined, ministerial approval process for certain housing developments in jurisdictions that have not made sufficient progress toward meeting their affordable housing goals as mandated by the State. The California Department of Housing and Community Development (“HCD”) determined that the City of Mountain View (“City”) made insufficient progress toward affordable housing

goals and is, therefore, subject to the streamlined, ministerial review and approval provisions in Government Code Section 65913.4 for developments with a minimum 50% of units affordable to lower-income households.

The Preliminary Application was submitted on January 11, 2021. The City processed the Preliminary Application per Government Code Section 6913.4.(b)(1)(A)(ii). On February 5, 2021, the City sent a request for scoping consultation to all California Native American tribes traditionally and culturally affiliated with the geographic area of the proposed development. No responses were received from the Native American tribes contacted for consultation.

The Application for streamlined Approval was submitted on April 6, 2021. Since the Application included less than 150 units, the City has 60 days from the date of the Application to determine whether the Application met the eligibility criteria in Government Code Section 65913.4. Within the prescribed 60-day time frame, the City determined that the Application met the eligibility criteria set forth in Government Code Section 65913.4 and has 90 days from the date of the Application to make a decision on the project. This letter, which serves as notice of the Approval of the Application, is being issued within the 90-day time period.

### Density Bonus

In accordance with City and State requirements, the density bonus is conditionally approved based on the following additional findings per Section 36.48.95:

- A. The project is a housing development that contains at least one (1) of the features described in Section 65915(b) of the State Density Bonus Law to qualify for a density bonus, and all other eligibility requirements as described in Government Code Section 65915(c) have been met because 100% of the total units, exclusive of the two manager's units, are for lower-income households as defined by Section 50079.5 of the Health and Safety Code. The project proposes 98 deed-restricted units for a minimum term of 55 years for lower-income households.
- B. The project has provided sufficient affordable units or otherwise meets the eligibility requirements for the density bonus as described in Section 65915(f) of the State Density Bonus Law because pursuant to Section 36.48.80.d. of the City Code, and in compliance with Section 65915(n) of the State Density Bonus Law, 100% affordable developments that receive authorization (and reservation of funding allocation) through the Notice of Funding Availability (NOFA) process are eligible for density increases greater than those prescribed by the State Density Bonus Law. The project

proposes a 96% density bonus on a base floor area ratio (FAR) of 1.0, resulting in a FAR of 1.96 and 100 rental units.

- C. The project meets the eligibility requirements for reduced parking ratios as described in Section 65915(p) of the State Density Bonus Law because the project is located in the P-39 (North Bayshore) Precise Plan, which imposes a parking maximum on development projects at a lower parking ratio than those required in Section 65915(p) of the State Density Bonus Law. The project includes 44 parking spaces and one additional ride-share space.
- D. The project meets the eligibility requirements for four concessions, as described in Section 65915(d) of the State Density Bonus Law, and the concessions result in reduced costs to provide the affordable units because the project requests the following two concessions: (1) the project does not meet the development standard requiring 50% of the facade be placed in the Build-to-Area in Section 3.3.8 of the North Bayshore Precise Plan; an existing PG&E easement is located in the Build-to-Area, and the easement prohibits the building from encroachment on the easement; and meeting the development standard would result in a minimum \$250,000 funding gap, rendering the project infeasible; and (2) Section 3.3.6 of the North Bayshore Precise Plan requires a minimum 164 cubic feet of personal storage per residential unit; 89 units in the project do not meet the personal storage requirement, resulting in a shortfall of 11,124 cubic feet, or approximately 1,390 square feet of storage space; and to meet the requirement, the project would have to add additional area to the project to accommodate storage lockers – the additional space would create a funding gap of approximately \$600,000, rendering the project infeasible.
- E. The development standards requested to be waived would physically preclude the units or incentives provided in the project as described in Section 65915(e) of the State Density Bonus Law because the project is not requesting any waivers from development standards.

#### California Environmental Quality Act

Per Division 13, Section 21000 of the Public Resources Code, the California Environmental Quality Act (CEQA) does not apply to an application for a development subject to Streamlined Ministerial Approval. The Application is exempt from CEQA as a ministerial multi-family residential development.

### Conditions of Approval

As mandated by Government Code Section 65913.4(e)(3), this Approval shall not expire.

Per the Streamlined Ministerial Approval Process Guidelines, Section 301(a)(5): “Approval of ministerial processing does not preclude imposing standard conditions of approval as long as those conditions are objective and broadly applicable to development within the locality, regardless of streamlined approval, and such conditions implement objective standards that had been adopted prior to submission of a development application.” (HCD 2021, Page 12.)

The Conditions of Approval for this Approval are in the enclosed *Attachment A*.

### Future Modifications and Permits

Any modifications to this Approval or subsequent permit requests shall be processed in compliance with Sections 301(c) and 301(e) of the Streamlined Ministerial Approval Process Guidelines.

Sincerely,

**Aarti**  
**Shrivastava**

Digitally signed by Aarti  
Shrivastava  
Date: 2021.07.02  
11:28:26 -07'00'

Aarti Shrivastava  
Assistant City Manager/Community  
Development Director

AS/CB/1/CDD  
891-07-02-21LoA

Enclosures: Attachment A. Conditions of Approval  
Attachment B. Project Plans