

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW CONDITIONALLY APPROVING MODIFICATIONS TO A PREVIOUSLY APPROVED PLANNED COMMUNITY PERMIT, DEVELOPMENT REVIEW PERMIT, AND HERITAGE TREE REMOVAL PERMIT FOR A MIXED-USE DEVELOPMENT CONSISTING OF A 231,210 SQUARE FOOT OFFICE BUILDING AND 635 NEW MULTI-FAMILY RESIDENTIAL UNITS, RETAINING AN EXISTING 156,317 SQUARE FOOT OFFICE BUILDING AND DEMOLISHING AN EXISTING 103,513 SQUARE FOOT INDUSTRIAL BUILDING AND THE REMOVAL OF 84 HERITAGE TREES ON A 16.2-ACRE SITE BOUNDED BY LA AVENIDA, INIGO WAY, SPACE PARK WAY, AND SANTIAGO VILLA MOBILE HOME PARK (1255 PEAR AVENUE)

WHEREAS, an application was received from Tim Steele for The Sobrato Organization for a modification to a previously approved Planned Community Permit (Application No. PL-2017-380) to modify a previously approved Planned Community Permit, Development Review Permit, and Tentative Map for a mixed-use development consisting of a 231,210 square foot office building and 635 new multi-family residential units at 1255 Pear Avenue (Application No. PL-2020-150); and

WHEREAS, the Zoning Administrator held a public hearing on March 10, 2021 on said application and recommended the City Council conditionally approve the modification to said previously approved permits subject to the attached findings and conditions of approval (Exhibit A); and

WHEREAS, the City Council held a public hearing on April 13, 2021 on said application and received and considered all evidence presented at said hearing, including the resolutions and project materials from the Zoning Administrator and City Council report and materials;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View finds:

1. The modification to the previously approved Planned Community Permit and Development Review Permit to allow a new 231,210 square foot office building and 635 new multi-family residential units is conditionally approved based upon the

conditions contained herein and upon the following findings pursuant to Section 36.50.55 of the City Code:

a. The proposed use and development are consistent with the provisions of the P-39 (North Bayshore) Precise Plan. The proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments through appropriate building setbacks from the public right-of-way and property lines that help improve the desired active pedestrian character of the area, while also helping to protect the privacy of adjacent uses; implementation of wildlife-friendly building design strategies; parking provided within an integrated parking structure; and office and residential uses compatible with existing and planned surrounding uses. The request for an exception to the Precise Plan's 400' block length development standard (500' for the North parcel and 670' for the South parcel) is justified as the overall block and building layout meets the intent and purpose of the Precise Plan and results in a superior site design. The proposed site design includes blocks with several pedestrian and bicycle pathways between buildings that help break up the large existing blocks and site, and which allow convenient pedestrian and bicycle access throughout the site and to connections to public streets and a greenway, further supporting the intent and purpose of the key Precise Plan;

b. The proposed use and development is consistent with the General Plan Land Use Designation of North Bayshore Mixed-Use, which allows mixed-use developments, including: (1) office intensities up to 1.0 Floor Area Ratio (FAR) in return for highly sustainable developments that provide innovative site, architectural, and landscape designs and transportation demand management measures to support the City's goals for reducing vehicle trips; (2) Precise Plan Residential Bonus FAR Tier I requirements that provide at least 15 percent affordable housing units on-site or comparable alternative in addition to a Local School Strategy to support local schools in or adjacent to the North Bayshore Area; and (3) green building and site design measures as specified in the Precise Plan;

The project also includes a LEED® Platinum-designed office building and GreenPoint Rated (minimum 120 points) residential buildings; a Transportation Demand Management (TDM) Program designed to reduce peak-hour office trips and meet North Bayshore's single-occupancy vehicle (SOV) goals and reduce peak-hour residential trips; long-term below-market lease rates for existing adjacent small businesses on 1110 La Avenida; and dedicates approximately 1.4 acres to the City of Mountain View for future development of affordable housing units;

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the design of the buildings and proposed uses are compatible with surrounding office and residential developments;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding by providing a proposed land use consistent with office and residential uses in the area, including design features, such as buildings located near streets and transitioning in bulk and mass towards adjacent residential uses; providing well-designed, area-appropriate landscaping; and providing improved vehicular, bicycle, and pedestrian connections to the surrounding transportation network; and

e. The approval of the Planned Community Permit for the proposed project complies with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found that with implementation of the North Bayshore Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the North Bayshore Precise Plan EIR and the 2030 General Plan and Greenhouse Gas Reduction Program EIR, the proposed mixed-use project would not result in any new significant environmental impacts beyond those evaluated in these EIRs.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Planned Community Permit for said project is hereby granted subject to the developer's fulfillment of all the conditions, which are attached hereto as Exhibit A and incorporated herein by reference.

MA/1/RESO
891-04-13-21r

Exhibit: A. Conditions of Approval

**CONDITIONS OF APPROVAL
APPLICATION NO.: PL-2020-150
1255 Pear Avenue**

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the Mountain View City Code and the State of California. Where approval by a City Department Director or Official is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws, and regulations, and accepted practices for the item(s) under review. The applicant is hereby notified that (s)he is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are noted herein.

This approval is granted to modify previously approved permits to construct a new mixed-use development consisting of a 231,210 square foot office building and 635 new multi-family residential units, and the removal of 81 Heritage trees and relocation of three Heritage trees located on Assessor’s Parcel Nos. 116-14-136, 116-14-126, 116-14-098, 116-14-095, 116-14-028, 116-14-089, and 116-14-094. 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 drawings prepared by ArcTec and Studio T-Square for the Sobrato Organization dated September 13, 2018, including revised materials submitted with PL-2020-150 and a request dated August 24, 2020 with associated exhibits.
- b. Color and materials board prepared by ArcTec and Studio T-Square for the Sobrato Organization dated May 17, 2018, and kept on file in the Planning Division of the Community Development Department.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division – 650-903-6306

- 1. **PREVIOUS APPROVALS:** Approval of this Modification to the previously approved permits incorporate and update conditions of approval from prior permits, including, but not limited to, Permit No. PL-2017-380 and PL-2020-145. For regulatory purposes, unless specifically addressed herein, all previous permits and conditions of approval shall remain valid.
- 2. **AVIGATION EASEMENT:** An avigation easement shall be recorded for the property prior to the issuance of building permits. Proof of an executed avigation easement shall be provided to the Planning Division.
- 3. **DEED RESTRICTION:** A deed restriction on the project’s north parcels (as shown on Lot 4 of the project phasing exhibits) shall be recorded prior to occupancy of any project-related building. The deed restriction shall limit the land uses on the north parcels to multi-family residential uses as permitted by the North Bayshore Precise Plan. This deed restriction shall be in a form reviewed and approved by the City and shall not be amended without prior City consent.
- 4. **90. AFFORDABLE HOUSING PLAN:** The applicant has applied for a Tier I FAR Bonus Option as described in Section 3.4-1 of the North Bayshore Precise Plan. To satisfy one of the four requirements to obtain this FAR Bonus, the applicant must either provide at least 15 percent of the total residential units on the project site at affordable rent prices or donate land to the City that can accommodate at least 15 percent of the total residential units on the project site at affordable rents.

The applicant has submitted an Affordable Housing Plan (“Plan”) in compliance with the North Bayshore Precise Plan to satisfy the Tier I FAR Bonus Option requirement by dedicating approximately 1.4 acres (a portion of existing

Assessor's Parcel No. 116-14-094) ("Property") to the City. As part of this entitlement, the City also agrees to license use of the Property to the applicant for use as construction staging during construction of the new office building and the 220-unit residential building on the parcels south of Pear Avenue (together referred to as "Phase 1" of the Project). If the applicant submits a complete building permit application for the 415-unit residential development on the parcels north of Pear Avenue ("Phase 2") within 90 days of issuance of the first Certificate of Occupancy for the Phase 1 residential building, then the license will be extended to apply during construction of Phase 2 for a period up to and not to exceed 24 months from issuance of the first building permit for Phase 2. Use of the Property for construction staging shall require prior execution of a license agreement by the applicant and City in a form approved by the City Attorney.

Prior to issuance of the first building permit for the Project, the Applicant shall: (1) conduct Phase 1 and Phase 2 environmental testing on the Property before the Property is licensed to the applicant for use as a construction staging area and shall submit the testing results to the City; (2) if the test results exceed the residential environmental screening thresholds of the agency responsible for oversight of this Property, then the Property shall be remediated to acceptable levels established by the oversight agency; (3) provide the City sufficient time in determining environmental suitability of the Property for residential use; (4) ensure that the Property must be able to be developed prior to the issuance of the first building permit for the proposed development, including the removal of any existing buildings on the Property; (5) complete the subdivision and irrevocable deed of trust for the Property to be deeded to the City; (6) comply with the North Bayshore Precise Plan Affordable Housing Guidelines; and (7) transfer ownership of the Property to the City prior to issuance of the first residential building permit or the Project's first Certificate of Occupancy, whichever comes first. After the applicant has finished use of the Property as a construction staging area, the applicant shall complete additional Phase 1 and Phase 2 environmental testing and shall submit the test results to the City. If the test results exceed the residential environmental screening thresholds of the agency responsible for oversight of this Property, then the Property shall be remediated to acceptable levels established by the oversight agency prior to the Project's first Certificate of Occupancy.

Environmental suitability, and the appropriate remediation, if any, shall be based on oversight agency screening levels and thresholds for residential use. The applicant shall fully remediate any soil contamination prior to transfer of the Property to the City. If groundwater contamination is detected under the Property but at a level determined by the Phase 2 testing that can be remediated with vapor barriers, passive ventilation, and podium parking, then the City will accept the Property for residential use. The applicant shall submit a completed Site Management Plan (SMP) for the site that will provide a cost estimate of any required building design that incorporates required remediation measures, assuming a residential podium structure and units at the site. The applicant shall pay this cost estimate to the City prior to the first residential building permit or the Project's first Certificate of Occupancy, whichever comes first, for said remediation measures to facilitate the redevelopment of the site with residential uses. However, if the groundwater contamination exceeds remediable thresholds for residential use, the City will not accept land dedication to meet the affordable housing requirements to obtain a Tier 1 Bonus FAR. In this event, the City will accept dedication of the Property prior to issuance of the first building permits for use as a public park provided the site could be remediated to oversight agency screening levels suitable for park use. If the site is accepted by the City as a park, then appropriate park land credit will be given according to Chapter 41 of the Mountain View City Code.

If the applicant is not able to meet its affordable housing obligations through land dedication prior to issuance of the first residential building permit or the Project's first Certificate of Occupancy, whichever comes first, the applicant shall meet its affordable housing obligation by providing at least 15 percent of the total residential units (95 units) on-site at affordable rents. All on-site affordable housing units in residential developments shall be constructed concurrently with or prior to the construction of market-rate units. In phased developments, the affordability requirement will be calculated on the basis of the whole development. The agreements and documents dedicating the land to the City shall be acceptable to the City Attorney.

To meet its affordable housing requirement by providing the units on-site, the applicant shall provide a detailed plan that must be accepted by the City, prior to issuance of Certificate of Occupancy, for implementing the on-site

affordability requirements in a timely manner and in substantial compliance with the North Bayshore Affordable Housing Guidelines.

Public Works Department – 650-903-6311

RIGHTS-OF-WAY

5. **111. STREET DEDICATION (PEAR AVENUE):** Dedicate a public street easement as identified in each phase of the “Phasing Exhibit Phase 1 and Phase 2,” as required by the Public Works Director, on the face of the map to widen Pear Avenue to a uniform right-of-way width of 78’ (39’ half-street requirement) per the North Bayshore Precise Plan.
6. **113. STREET CORNER DEDICATION (SPACE PARK WAY/INIGO WAY EXTENSION):** Dedicate a public street corner return easement as identified in each phase of the “Phasing Exhibit Phase 1 and Phase 2,” as required by the Public Works Director, on the face of the map at the Space Park Way and Inigo Way corner intersection.
7. **114. STREET CORNER DEDICATION (PEAR AVENUE/INIGO WAY):** Dedicate a public street corner return easement as identified in each phase of the “Phasing Exhibit Phase 1 and Phase 2,” as required by the Public Works Director, on the face of the map at the Pear Avenue and Inigo Way southeast corner intersection.
8. **115. PUBLIC ACCESS EASEMENT, COVENANTS AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES – EASTERN EDGE OF PARCELS 1 AND 4):** Prior to issuance of any building permits or approval of a Final Map, the Owner shall dedicate a minimum 26’ wide public access easement, covenants, agreements, and deed restrictions (PAE) on private property along the eastern portion of this development as identified in each phase of the “Phasing Exhibit Phase 1 and Phase 2” and as identified within the North Bayshore Precise Plan. The dedication shall indicate that:
 - a. Public access shall be granted for nonautomotive use;
 - b. Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - c. The PAE shall run with the land and be binding upon any successors;
 - d. If Owner shall fail to abide by PAE, Owner agrees to pay all reasonable costs and expenses incurred by City in enforcing the performance of such obligations; and
 - e. Owner agrees to defend and hold City, City’s officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by Owner or Owner’s contractors, subcontractors, agents, or employees.

A legal description and plat of the Owner’s property and the PAE area shall be prepared by the Owner in accordance with the City’s Legal Description and Plat Requirements and submitted to the City for review.

Associated improvements within the PAE (PAE Improvements) shall be constructed by the Owner and approved by the City.

9. **117. EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements that are or will no longer be needed or conflict with the proposed buildings and structures shall be vacated by the City or quitclaimed.

The following easements shall be vacated from this property for this proposed development:

Vacations:

- 1.5' Sidewalk Easement (867 M42-44)
- 2.5' Sidewalk Easement (867 M 42-44)
- Sidewalk Easement "1" (867 M 42-44)
- Sidewalk Easement "2" (867 M 42-44)
- 10' Public Service Easement (536 M 2)
- 10' Public Service Easement (552 M 44)

Quitclaims:

- 10' PG&E and PT&T Easement (7310 OR 477, 8518 OR 467)
- 5' PG&E and PT&T Easement (0163 OR 482, 7451 OR 80)
- 3' PG&E and PT&T Easement (0163 OR 482)
- 10' Private Utility Easement (4654 OR 382, 4681 OR 366, 4654 OR 382)
- 10' Ingress and Egress Easement (7393 OR 656)

All vacations and quitclaims shall be recorded prior to the issuance of the building permit for all easements located beneath the proposed building construction.

10. **190. SHORELINE BOULEVARD/HIGHWAY 101 (NB) OFF-RAMP (T-16) AND PLYMOUTH STREET REALIGNMENT (T-5) GATEWAY CAPACITY REQUIREMENTS:** The North Bayshore Precise Plan (NBPP) identifies capacity limitations at all three gateways. This development project is projected to add additional trips beyond the current Shoreline Boulevard gateway capacity. Priority transportation improvement projects are identified in the NBPP to accommodate additional gateway trips, including trips related to this development project.

The Highway 101/Shoreline Boulevard (NB) Off-Ramp Project (T-16), the Plymouth Street realignment to Space Park Way Project (T-5), and the Shoreline Boulevard Reversible Transit Lane (including a dedicated right-turn lane at Pear Avenue) are planned improvements that will provide Shoreline Boulevard gateway capacity for the development project. All three improvements will be built by the City. The Plymouth Street realignment to Space Park Way and the Shoreline Boulevard Reversible Transit Lane are expected to be complete prior to occupancy of the office component of the project, and the off-ramp realignment is scheduled to be complete in March 2024.

Because of the above conditions, if occupancy of the office building occurs prior to completion of the off-ramp realignment AND the trip-cap is exceeded after two consecutive monitoring events, then: (1) Phase One of the Residential Component of the Project must be complete; and (2) the applicant shall provide \$1 million toward implementation of congestion pricing or a North Bayshore Priority Transportation Project as determined by the City.

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.