

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DECLARING CITY-OWNED REAL PROPERTY COMMONLY REFERRED TO AS "LOT C" THAT COMPRISES PART OF THE SITE LOCATED AT 1 AMPHITHEATER PARKWAY AS "SURPLUS LAND" AND NOT NECESSARY FOR THE CITY'S USE, AND TAKING RELATED ACTIONS UNDER THE SURPLUS LAND ACT

WHEREAS, the Surplus Land Act was amended, effective January 1, 2020, in response to the State's affordable housing crisis, to promote affordable housing development on unused or underutilized public land throughout the State, and now requires public agencies, including charter cities, to follow certain procedures in order to dispose of "surplus land" by sale or a long-term lease of five years or more; and

WHEREAS, under the Surplus Land Act, Government Code Sections 54220 through 54233, "surplus land" is defined as land owned by any local agency no longer necessary for the agency's use; and

WHEREAS, the Surplus Land Act requires that prior to selling or leasing property owned by a local agency, the local agency must declare the land to be "surplus land" or "exempt surplus land" at a public hearing; and if the land is surplus land, before the agency takes actions to dispose of the property, the agency must send a written notice of availability of the property to certain entities designated in the statute, including affordable housing sponsors who have priority over other entities; and

WHEREAS, the City of Mountain View is the owner of certain real property approximately 37 acres in size, located at 1 Amphitheatre Parkway, Mountain View (APN 116-20-043), which includes that certain 14-acre portion commonly known as Lot C, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property" or "Lot C"); and

WHEREAS, the Property is currently used as a surface parking lot, as part of the 37-acre site (1 Amphitheatre Parkway) that the City has leased to Live Nation since 2006 to operate a large concert and entertainment venue known as the Shoreline Amphitheatre. The leased premises consist of the concert venue, concession stands, and surface parking lots designated as Lots C and D. Live Nation currently subleases the Property to Google for parking use, with reserved rights to use parking spaces for events at the Amphitheatre; and

WHEREAS, the City's lease with Live Nation will expire at the end of 2025, with an option to extend to the end of 2030, if agreed to by the parties; and

WHEREAS, the City received a master plan development application for land use entitlements that proposed using Lot C as a district parking site to serve the master plan project, including providing public parking. Development review of the application is underway by the Community Development Department with consideration by the City Council for a decision on the project expected to occur in November 2022, after completion of environmental review; and

WHEREAS, the City has not engaged in negotiations with the development applicant regarding the disposition of Lot C for use as part of their master plan project; and

WHEREAS, the City must comply with the procedural requirements of the Surplus Land Act before it can entertain negotiating a long-term lease of the Property for parking or other uses that are not the "agency's use" as defined in the Act; and

WHEREAS, the City is interested in considering development options for the Property when the existing Live Nation lease expires or may be modified to remove the Property from the leased premises, and entering into a future ground lease for the Property; and

WHEREAS, in order to prepare for the timely use of the Property at such time that it is no longer subject to the Live Nation lease, the City desires to commence the process of identifying the subsequent use and negotiating a lease with a term to commence upon or no later than the expiration of the current lease; and

WHEREAS, the accompanying Council report provides additional supporting information upon which the declaration and findings set forth in this resolution are based;

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

1. The City Council adopts the recitals set forth above as findings of fact.
2. The City Council hereby finds and declares that the Property known as Lot C located at 1 Amphitheatre Parkway in Mountain View is no longer necessary for the City's use and is, therefore, surplus land as defined in California Government Code Section 54221.

3. The City Council hereby authorizes the Public Works Director or designee to send a notice of availability to the entities designated in Government Code Section 54222 (“Designated Entities”) by electronic mail or by certified mail.

4. If one or more affordable housing sponsors submit a written notice of interest to purchase or lease the Property in compliance with the Surplus Land Act, the Public Works Director or designee is hereby authorized to select and enter into negotiations with the entity proposing the greatest number of affordable units and deepest level of overall affordability.

5. City staff is hereby authorized to do all things which staff may deem necessary or proper to effectuate the purpose of this resolution. Such actions include negotiating in good faith in accordance with the requirements of the Surplus Land Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Surplus Land Act, with priority given to affordable housing sponsors as stated above.

6. Any proposed disposition of the Property shall be subject to the approval of the City Council.

7. The City Council finds and determines, after independent review and consideration, that adoption of this resolution and the procedural actions authorized herein result in no binding commitment by the City to authorize the disposition of the Property, will not result in a direct or indirect physical change in the environment, and does not constitute a project approval pursuant to CEQA Guidelines Sections 15004 and 15352.

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ALM/EP/1/RESO  
930-01-25-22r

Exhibit: A. Map

Exhibit A

