

**CITY OF MOUNTAIN VIEW
FINDINGS REPORT/ZONING PERMIT**

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APPLICATION NO.:

PL-2022-060

DATE OF FINDINGS:

October 11, 2023

EXPIRATION OF ZONING PERMIT:

THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.

Applicant's Name:

Vincent Woo for Marwood MV Manager, LLC

Property Address:

Assessor's Parcel No(s).:

Zone:

701-747 West Evelyn Avenue

158-20-015, 158-20-066

P(19)

Request:

Request for a Development Agreement to extend entitlements for up to 10 years for a new four-story, mixed-use building with no parking on a 0.26-acre site; with a determination the project is categorically exempt per Section 15332 ("In-Fill Development") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

******ZONING ADMINISTRATOR RECOMMENDATION TO CITY COUNCIL******

FINDINGS OF APPROVAL:

1. The Development Agreement is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and the Downtown Precise Plan. The office and retail uses, at four stories, are consistent with the uses and intensities of the Downtown Mixed-Use Land Use Designation of the General Plan, and the project is consistent with General Plan policies, such as LUD 7.1 (Downtown), LUD 7.3 (Human-scaled building details), MOB 7.1 (Parking codes), and MOB 7.3 (Public parking management). Consistent with development objectives of the Downtown Precise Plan, the project's contribution to downtown parking supports "[the coordination] of private development and public improvements in the downtown, allowing for the revitalization of the district in a way that accommodates parking for [a range of uses and activities]" (Page 8); and the project's gateway design characteristics and contribution to public parking "[creates] a distinctive destination-oriented image and identity for downtown [through] high-quality development and public improvements" (Page 8). The agreement to support downtown parking also supports several parking objectives of the Precise Plan, such as "[encouraging] public/private partnerships aimed at increasing the supply of parking where it is shown to be needed" (Page 9).
2. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located because the project complies with the allowable land uses in the Downtown Precise Plan at the building heights and intensities permitted; incorporates upper-floor step-backs, punch-through windows, ornamentation, and other features prescribed by the Precise Plan that improve the project's compatibility with the historic environment downtown; and the ground-floor retail uses prescribed by the Precise Plan support a walkable environment along Evelyn Avenue from Castro Street to Hope Street, improving the pedestrian experience and view from the Transit Center.
3. The Development Agreement is in conformity with the public convenience, general welfare, and good land use practice because the project improves sidewalk width in a key pedestrian corridor, supports access to downtown for a broad range of uses and activities through the support of public parking construction, contributes additional employees and retail space that add to the

Owner

Agent

File

Fire

Public Works

vibrancy of downtown, and incentivizes the use of transit through transportation demand management and orientation to the Transit Center.

4. The Development Agreement will not be detrimental to the health, safety, and general welfare of the community because the proposed project is consistent with the provisions of the General Plan and Precise Plan and will conform to City, State, and Federal codes and regulations for design, construction, and operations of the planned development.
5. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values because the development of the project site with ground-floor retail and office above aligns with the vision and development standards of the Precise Plan and is compatible with the surrounding retail, restaurant and office uses, and proposed hotel in the area.
6. The Development Agreement is needed by the applicant due to the cost of developing on a constrained site and the uncertainty in current economic conditions for office development, which together necessitate a longer time frame to implement the project under the approved entitlements and the need to collaborate with the City to provide parking for tenants and visitors of the site.
7. The Development Agreement is advantageous to and benefits the City because the project implements the vision of the Downtown Precise Plan, improves the pedestrian environment along Evelyn Avenue, encourages commuting via transit instead of private automobiles, and increases the vibrancy of downtown. Further, the Development Agreement will provide \$8 million in funding to support the construction of additional public parking or other access improvements downtown, which will serve the City as a whole by facilitating residents' and other visitors' access to downtown, improving the viability of downtown businesses, and reducing neighborhood parking impacts.
8. The Development Agreement for the project has been reviewed by the City Attorney.
9. The City has determined that the Project is a development for which a Development Agreement is appropriate. A Development Agreement will provide for significant public benefits and otherwise achieve the goals and purposes of Chapter 36, Article XVI, Division 14, of the City Code related to development agreements, including meeting the required contents of a development agreement as set forth in Section 36.54.20 of the City Code.
10. In exchange for the significant public benefits of the project, including \$8 million to support parking or access improvements downtown, the applicant desires to receive assurances that the City will grant permits and approvals required for the development of the Project in accordance with procedures provided by law and in the Development Agreement and that the applicant may proceed with the project in accordance with applicable City laws with extended expiration dates for entitlements up to 10 years from the effective date, all as more particularly described and defined in the Development Agreement. In order to effectuate these purposes, the parties desire to enter into the Development Agreement.
11. The Development Agreement complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15332 ("In-Fill Development Projects") because the site is consistent the following findings:
 - (1) The site is consistent with the applicable General Plan and zoning designation and regulations. The project site has a General Plan Zoning Designation of Downtown Mixed-Use, which allows office and retail uses. The zoning designation for the site is P(19) Downtown Precise Plan, Area H. The site allows up to 2.75 office floor area ratio (FAR). The project proposes 2.72 FAR, which is consistent with the intensities outlined in the Precise Plan;
 - (2) The proposed development occurs within City limits on a project site of no more than five acres and is substantially surrounded by urban uses. The proposed project is 0.26 acre and is located on all sides by urban uses, such as commercial development and public parking lots;
 - (3) The project site has no value as habitat for endangered, rare, or threatened species. The project site is currently completely covered with buildings and paving. There are no nearby known bird habitats or other species as the site is located within an urban area and surrounded by pavement and existing commercial development with limited vegetation. The project includes three Heritage trees intended for removal, but standard conditions of approval are

included requiring that a preconstruction nesting bird survey be conducted prior to the start of any construction to ensure no bird species exist on-site that may be impacted by construction;

- (4) Approval would not result in any significant impacts relating to traffic, noise, air quality, or water quality. The proposed project is screened out from impacts related to vehicle miles travelled (VMT) under the City's VMT policy implementing SB 743 as the site is located within one-half mile of a major transit stop and is greater than 0.75 FAR. Conditions of approval are included to ensure construction-related noise is limited by best practices and operational noise associated with the project shall not exceed 55 db(A). Additionally, the project size is less than Bay Area Air Quality Management District (BAAQMD) screening criteria for operations and construction and conditions of approval require conformance with BAAQMD requirements for demolition and construction to reduce fugitive dust emissions that may be a result of construction. Lastly, conditions of approval require conformance with applicable stormwater treatment requirements; and
- (5) The project site can be adequately served by all required utilities and public services as a utility study was conducted in September 2019, which found that, with construction of previously planned sewer improvements, the system has adequate capacity for this project.

AMBER BLIZINSKI, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

AB/EA/6/FDG
PL-2022-060

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