



# COUNCIL REPORT

DATE: October 22, 2024  
CATEGORY: Consent  
DEPT.: Community Development  
TITLE: **Temporary Closure from Public Access of 13 Parking Spaces in Parking Lot No. 2 for a Period of 14 Consecutive Days to Occur Prior to April 2025**

## **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Authorizing Temporary Closure from Public Access of 13 Parking Spaces within Parking Lot No. 2 for 14 Consecutive Days to Occur Prior to April 2025, to be read in title only, further reading waived (Attachment 1 to the Council report).

## **BACKGROUND AND ANALYSIS**

On September 27, 2023, Boyd Smith with Smith Development filed a request for a Planned Community Permit and Development Review Permit to construct a 58 square foot addition and major facade modifications to an existing multi-tenant commercial building located at 236 Castro Street.

The Zoning Administrator held a public hearing on April 24, 2024 and approved the Planned Community Permit and Development Review Permit (PL 23-197). Conditions of approval for the permit provided that construction shall not encroach into the Castro Pedestrian Mall, and best-faith efforts shall be made to minimize impacts to businesses and patrons during construction. A condition of the project noted temporary construction access would be required through Parking Lot No. 2 to accommodate the project.

To accommodate a crane and some construction materials needed for the tenant improvement, 13 spaces within Parking Lot No. 2 (Figure 1) will be utilized to stage construction material and transport of materials to the job site at 236 Castro Street.

It is anticipated that the delivery of building materials and the crane will take place two months after issuance of the building permit. The staging and use of the crane is anticipated to occur within a two-week time frame.



**Figure 1: Parking Lot No. 2—Temporary Closure of 13 Spaces**

### **FISCAL IMPACT**

Parking Lot No. 2 currently does not allow Downtown Parking Permits and, therefore, there are no direct fiscal impacts to the Downtown Parking Permit program.

A license agreement with Smith Development will result in the City receiving \$4,550 during the temporary closure period.

Costs to post “No Parking” signage are borne by Smith Development.

### **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a

license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

**SUBJECT TO THE LEVINE ACT**

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

**EXEMPT FROM THE LEVINE ACT**

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html).

**ALTERNATIVES**

1. Deny the request to use Parking Lot No. 2 and direct staff to identify an alternative staging and transport area necessary to support the approved Planning Permit PL 23-197 for tenant improvement to 236 Castro Street.
2. Provide other direction.

**PUBLIC NOTICING**

Agenda posting and a copy of the Council report was sent to the Downtown Business Association and Old Mountain View Neighborhood Association.

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Attachment: 1. Resolution