



# COUNCIL REPORT

**DATE:** April 28, 2026

**CATEGORY:** Consent

**DEPT.:** Community Development

**TITLE:** **Residential Development at 400 Logue Avenue—Corrections to Approval Resolution**

## **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Amending City of Mountain View Resolution No. 18584, which Conditionally Approved a Residential Development Project at 400 Logue Avenue, to Replace “Exhibit A” to Resolution No. 18584 with a Corrected “Exhibit A,” to Remove Condition of Approval No. 163 Regarding the Park Land Dedication In Lieu Fee, to be read in title only, further reading waived (Attachment 1 to the Council report).

## **BACKGROUND**

On June 22, 2021, the City Council adopted Resolution No. 18584, which approved a Planned Community Permit and Development Review Permit to construct an eight-story, 408-unit residential development with three levels of underground parking at 400 Logue Avenue, including a 36,000 square foot Transfer of Development Rights (TDR), and a Heritage Tree Removal Permit to remove five Heritage trees (hereafter, the “Project”), subject to conditions of approval. Exhibit A to Resolution No. 18584 is a copy of the Conditions of Approval for the Project. A park land dedication in lieu Fee was required pursuant to Condition of Approval (COA) No. 163.

## **ANALYSIS**

Under the Quimby Act, Government Code Section 66477, cities may require the dedication of land or impose a requirement of the payment of fees in lieu thereof for park or recreational purposes as a condition to the approval of a tentative map or parcel map if certain requirements are met.

At the time the Project was originally approved, the City imposed a condition of approval requiring a park land dedication in lieu fee pursuant to Section 41.3 (Requirements for single-lot development projects) of the City Code. On February 4, 2026, the applicant requested that staff review whether the fee was correctly imposed. Upon review, staff determined that the imposition of this fee was incorrect because this Project did not include the approval of a

tentative map or parcel map. Therefore, staff recommends that the City Council adopt a resolution to amend Resolution No. 18584 for the sole purpose of replacing Exhibit A with a corrected Exhibit A that removes COA No. 163.

The removal of COA No. 163 does not change any elements of the Project design or any other elements of the prior Project approval, nor does it introduce new or more severe environmental impacts requiring further review and analysis under the California Environmental Quality Act (CEQA).

### **ENVIRONMENTAL REVIEW**

An Initial Study of Environmental Significance was previously prepared pursuant to Sections 15162, 15168, and 15183 of the CEQA Guidelines. The prior environmental review found that, with implementation of East Whisman Precise Plan standards and policies, standard City conditions of approval, state regulations, and certain mitigation measures in the previously certified East Whisman Precise Plan Environmental Impact Report, the Project would not result in any new or more severe impacts than had been previously analyzed and identified. As a result, no additional CEQA analysis or further documentation was required. The proposed removal of COA No. 163 related to payment of a park land dedication in lieu fee does not alter the Project description or the City's environmental analysis of the Project as previously approved.

The Project continues to satisfy CEQA requirements pursuant to CEQA Guidelines Section 15168 and remains consistent with the findings and analysis adopted in Resolution No. 18584. The removal of the condition does not result in any physical changes to the Project, and there is no new substantial evidence indicating the potential for new or more severe environmental impacts than those previously evaluated. Accordingly, the environmental determination made for the Project approval remains valid, and no further environmental review is required.

### **FISCAL IMPACT**

Approval of this Resolution will amend Resolution No. 18584 to replace Exhibit A with a corrected Exhibit A for the sole purpose of removing COA No. 163, which required payment of the park land dedication in lieu fee. As a result, the Project will no longer be subject to the previously required park land dedication in lieu fee of \$19,203,000. The fee has not been paid to date.

### **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 \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more

information 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).

Please see 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

**PUBLIC NOTICING**—Agenda posting.

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Attachments: 1. Resolution Correcting Conditions of Approval  
2. [Council Report dated June 22, 2021](#)