



COUNCIL REPORT

DATE: October 28, 2025

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Mixed-Use Addition at 194-198 Castro Street—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. 18935 Approving a Mixed-Use Addition at 194-198 Castro Street to Modify Condition of Approval No. 65 Regarding Parking In-Lieu Fees, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On [October 8, 2024](#), the City Council adopted Resolution No. 18935, which approved a Planned Community Permit, Development Review Permit, Historic Preservation Permit, and Provisional Use Permit to construct a three-story, 5,733 square foot mixed-use addition with administrative office use on the upper floors and a roof deck adjacent to an existing two-story, 7,608 square foot historic building with office and ground-floor restaurant at 194-198 Castro Street, subject to conditions of approval. Condition of Approval (COA) No. 65 (Parking In-Lieu Fee) included an inadvertent error, and staff is requesting that the Council amend the COA to reflect the correct (lower) number of parking spaces, consistent with Government Code Section 65863.2(f), City Code Section 36.32.50, and the City's Green Building Code.

ANALYSIS

Assembly Bill (AB) 2097, codified at Government Code Section 65863.2, limits the ability of a public agency to impose or enforce minimum automobile parking requirements on development projects located within one-half mile of a "major transit stop." However, AB 2097 does "not reduce, eliminate, or preclude the City's enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide **electric vehicle supply equipment** installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development." (Gov. Code, § 65863.2(f) (emphasis added))

The required number of electric vehicle (EV)-capable and accessible parking spaces required for a development project is calculated based on [Table A5.106.5.3.2](#) (EV-capable spaces) in Division III (Green Building Code) of Article I (Building Code) of Chapter 8 (Buildings) of the City Code. The table includes requirements for EV-capable and electric vehicle supply equipment (EVSE)-installed parking spaces. The full complement of charging equipment and utility connections is included in an EVSE-installed parking space, rendering it functional to charge vehicles, whereas EV-capable spaces are not required to include charging equipment and may not be functional for charging vehicles. Typically, fewer EVSE-installed spaces are required for projects than EV-capable spaces.

Following the October 8, 2024 approval of the project, staff identified an error in project COA No. 65 related to the parking in-lieu fees. The original condition incorrectly required an in-lieu fee payment for nine parking spaces, including eight EV-capable spaces and one accessible (Americans with Disabilities Act (ADA)) space, estimated at \$580,248 per the Master Fee Schedule in effect at the time of project approval.

Staff determined after project approval that an inadvertent error had been made in calculating the required number of parking spaces during the project entitlement phase. The calculation incorrectly reflected EV parking spaces when it should have reflected EVSE-installed parking spaces, as authorized by AB 2097 and the applicable provisions of Section 36.32.50 (Required Number of Parking Spaces) and Section 8.20.44 ([Subsection 5.106.5.3.2 amended and Table 5.106.5.3.2 added](#)) of the City Code. Specifically, for this particular development project, AB 2097 and Section 36.32.50(b)(1)(c) (Parking Requirements Near Major Transit Stops) authorize the City to enforce parking requirements for EVSE-installed parking spaces and ADA-accessible parking spaces.

Staff mistakenly used the requirement for EV-capable spaces instead of the EVSE-installed space requirements when calculating the parking in-lieu fees for this project. As a result, the project was conditioned to pay a greater parking in-lieu fee than the actual requirement. Based upon staff's corrected calculation, the project is only required to pay parking in-lieu fees for four spaces: three EVSE-installed spaces and one ADA-accessible space, totaling \$257,888 per the Master Fee Schedule in place at the time of project approval. Therefore, the City must update the COA to reflect the correct number of required EVSE and accessible parking spaces.

Staff proposes that Resolution No. 18935 be modified to correct COA No. 65 to correctly represent the parking in-lieu fee requirements in accordance with AB 2097, Section 36.32.50 (Required Number of Parking Spaces) of the City Code, and the City's Green Building Code.

- **Original COA No. 65:** COA No. 65 in Resolution No. 18935 refers to a parking in-lieu fee based on nine spaces (eight EV-capable parking spaces and one ADA-accessible parking space).

- **Proposed COA No. 65:** Staff requests that the Council modify COA No. 65 in Resolution No. 18935 to correctly reflect a parking in-lieu fee based on four spaces (three EVSE-installed parking spaces and one ADA-accessible parking space), as authorized by AB 2097, Section 36.32.50(b)(1)(c) (Parking Requirements Near Major Transit Stops) of the City Code, and the City’s Green Building Code standards.

These corrections to COA No. 65 do not change any discretionary elements of the previous project approvals or introduce new environmental impacts.

ENVIRONMENTAL REVIEW

The project was previously determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (“In-Fill Development”) and Section 15331 (“Historic Resource Restoration/Rehabilitation”). The proposed modification to the parking in-lieu fee COA does not alter the project’s qualification for the categorical exemptions claimed for the original project approval. The project continues to be exempt under CEQA Guidelines Section 15332 and Section 15331 for the grounds discussed in Resolution No. 18935, and there is no new substantial evidence of potentially significant impacts.

FISCAL IMPACT

Approval of this Resolution will amend COA No. 65 (Parking In-Lieu Fee) to reflect a reduced number of required parking spaces. As a result, the total parking in-lieu fee will decrease from \$580,248 for nine spaces (as originally approved) to \$257,888 for four spaces. The applicant has not yet submitted payment for the parking in-lieu fee associated with this project.

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

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 Condition of Approval
 2. [City Council Report dated October 8, 2024](#)