



**DATE:** November 16, 2021

**CATEGORY:** Public Hearing

**DEPT.:** Community Development

**TITLE:** **Rowhouse Development at 294-296 Tyrella Avenue**

## **RECOMMENDATION**

1. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Planned Unit Development Permit and a Development Review Permit to Construct an 11-Unit Rowhouse Development, a Heritage Tree Removal Permit to Remove One Heritage Tree, and Finding the Project to be Categorically Exempt Pursuant to Section 15332 (“In-Fill Development Projects”) of the California Environmental Quality Act at 294-296 Tyrella Avenue, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Vesting Tentative Map to Create 11 Residential Lots and Two Common Lots and Finding the Project to be Categorically Exempt Pursuant to Section 15332 (“In-Fill Development Projects”) of the California Environmental Quality Act at 294-296 Tyrella Avenue, to be read in title only, further reading waived (Attachment 2 to the Council report).

## **BACKGROUND**

### **Project Site**

The approximately 0.63-acre project site is located on the southwest corner of East Middlefield Road and Tyrella Avenue in the R3-1 (Multiple-Family Residential) District. The project site is currently developed with one single-family home that would be demolished for the project and is surrounded on all sides by residential uses.



**Figure 1: Location Map**

## **Proximity to Services**

The Moffett Boulevard/Whisman Road neighborhood offers a range of amenities for residents. Edith Landels Elementary School is located approximately two miles to the south, and Crittenden Middle School is approximately two miles to the northwest. Downtown Mountain View with restaurants, commercial services, retail shops, a park, Library, Center for the Performing Arts, and the Transit Center, is approximately 1.5 miles to the southwest. A small shopping center is located at the corner of East Middlefield Road and North Whisman Road, approximately 1.25 miles to the east of the project site, which provides convenience stores, restaurants, and commercial services.

## **Previous Public Meetings and Hearings**

### *Neighborhood Meeting*

The applicant held one virtual neighborhood meeting on June 30, 2021. Five people attended the meeting and asked questions about the project. No issues were raised concerning the project at the meeting.

### *Development Review Committee*

The project was reviewed by the Development Review Committee (DRC) twice and a final recommendation of conditional approval was provided in September 2021. The DRC recommended a condition of approval with design modifications to be implemented in the building permit drawings, including color and material application, porch design, and building and site details and are reflected in Condition of Approval No. 13 (see Attachment 1).

### *Zoning Administrator/Subdivision Committee*

The project was reviewed by the Zoning Administrator and Subdivision Committee on October 13, 2021. No members of the public provided comment at the meeting. The applicant made a brief presentation and requested modifications to the following draft conditions of approval:

- 105. PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the Park Land Dedication Fee (approximately \$20,000 to \$40,000 per unit) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. No credit against the Park Land Dedication Fee will be allowed for private open space and recreational facilities. Provide

the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

- 106. PUBLIC AND PRIVATE COMMON IMPROVEMENTS:** Install or reconstruct standard public and private common improvements required for the subdivision and as required by Chapters 27 and 28 of the City Code. The public improvement(s) include, but are not limited to, full street overlay on Tyrella Avenue, undergrounding of overhead utilities across Middlefield Road, new City-standard streetlight, corner ramp, new sidewalk, curb, and gutter. The private common improvement(s) include, but are not limited to, new private water, sewer, and joint trench lines:
- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and private common improvements prior to the issuance of the building permit OR approval of the final map.
  - b. **BONDS/SECURITIES:** Sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%) or provide a cash deposit (100%) or provide a letter of credit (150%) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the internet at: [www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570\\_a-z.htm](http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm). The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department.
  - c. **INSURANCE:** Provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability, naming the City as an additional insured from the entity that will sign the improvement agreement prior to the issuance of the building permit or approval of the final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General

Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Pollution Legal Liability Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.

141. **UNDERGROUND SERVICES:** All new and existing electric and telecommunication facilities serving the site are to be placed underground, including transformers. The undergrounding of the new and existing overhead electric and telecommunication lines along the Tyrella Avenue property frontage, including those crossing Middlefield Road, shall be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site. This supersedes what is shown on the plans.

The applicant requested to modify Condition of Approval No. 105 to pay the required Park Land Dedication In-Lieu Fee prior to the issuance of a Certificate of Occupancy for the units. Section 41.4 of the City Code requires the fee to be paid as a condition of approval of the subdivision map. It has been the City's practice and applied consistently to all projects to require developers to pay the fee prior to the approval of the final map or issuance of building permits if there is no subdivision map. Staff recommends the condition of approval remain as written and the fee be paid prior to approval of the final map.

The applicant also requested to modify Conditions of Approval No. 106 and No. 141 to remove the requirement to underground overhead facilities across East Middlefield Road. Section 28.52 of the City Code requires subdivision developments to underground overhead utility facilities within the division of land or on the streets which abut the division of land, unless an exemption is met for this requirement. The City has consistently applied the undergrounding condition to also include utility lines spanning across streets for corner property developments. The undergrounding along this project's frontage would include removal of the existing pole near the corner of Tyrella Avenue, undergrounding the utilities across East Middlefield Road, and connecting the utilities on an existing or new pole across the street.

The Public Works Department follows a standard process to determine requested exemptions to the requirement for undergrounding existing overhead utility facilities as outlined in the City Code. The one criterion identified in the City Code where the project may be eligible for exemption is "if the subdivision committee or the City Council find that topographical, soil or other conditions or circumstances make the underground conversion of said facilities, as required by this section [28.52], unreasonable or impracticable."

To determine if unreasonable or impracticable circumstances exist, staff evaluated the exemption request consistent with City practice, and undergrounding is recommended for this project based on several of the established criteria, including: the elimination of a high concentration of visible overhead lines, likelihood for the undergrounding to be extended in the future along the collector street, and the substantial length of overhead lines to be undergrounded. The cost to underground is also factored into the criteria and was calculated to be approximately 2.5% of the expected selling price per unit, within the range seen as acceptable for market rate units. For similar rowhouse projects, the percent of undergrounding cost per unit has varied between 0.3% and 2.5%. This factor, along with other criteria, indicate the undergrounding requirement is not unreasonable or impracticable. Staff recommends the condition of approval remain as written and the development underground the utilities across East Middlefield Road, similarly consistent with City's practice on other subdivision developments.

The Zoning Administer and Subdivision Committee recommended approval of the project to Council with no amended draft conditions of approval as requested by the applicant.

### **Public Comment Letters**

Following the Zoning Administer and Subdivision Committee hearings, City staff received a public comment letter (Attachment 4 to the Council report).

### **ANALYSIS**

#### **Project Description**

The project proposes to redevelop the site with 11 ownership rowhome units in three 3-story buildings (three to five units each), private driveway, guest parking spaces, and common open space areas. The project units consist of three-bedroom units, ranging in size from approximately 1,300 square feet to 1,800 square feet (see Attachment 3 – Project Plans).



**Figure 2: Site Plan**



The proposed site layout consists of units facing East Middlefield Road, Tyrella Avenue, and common open space areas. The site's driveway access is from Tyrella Avenue and provides access to individual unit two-car garages and guest parking spaces. Internal sidewalks connect the units, common open space area, and provide a pedestrian route to East Middlefield Road and Tyrella Avenue.



**Figure 3: North Elevation**

The project design merges traditional elements – such as the roofline, massing, porches and balconies, and materials – with more modern design elements – such as clean lines, proportions, color palette, and architectural detailing. Exterior materials include a simple palette of stucco and horizontal siding, and composite shingle and tile roof materials.

### **General Plan Designation**

The site's General Plan designation is Medium High-Density Residential (26 to 35 du/acre), and it is located in the Moffett/Whisman Planning Area. The proposed project is consistent with the General Plan designation, which allows multi-family housing and complies with the following General Plan Policies:

- ***LUD 6.1: Neighborhood character.*** Ensure that new development in or near residential neighborhoods is compatible with neighborhood character.
- ***LUD 6.3: Street presence.*** Encourage building facades and frontages that create a presence at the street and along interior pedestrian paseos and pathways.
- ***LUD 9.1: Height and setback transitions.*** Ensure that new development includes sensitive height and setback transitions to adjacent structures and surrounding neighborhoods.
- ***LUD 10.1: Sustainable design and materials.*** Encourage high-quality and sustainable design and materials.

**Zoning Designation**

The site’s zoning designation is R3-1 (Multiple-Family Residential) Zoning District. The R3 Zoning District allows rowhouse developments consistent with the Rowhouse Guidelines. The project complies with all requirements of the Rowhouse Guidelines and no exceptions are requested. The following table shows the project’s compliance with the development standards in the Rowhouse Guidelines:

**Table 1: Compliance with Rowhouse Guidelines**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Maximum Units	17 max.	11
Floor Area Ratio	0.9 max.	0.8
Front Setback	15’ min.	15’
Side Setbacks	10’ for first and second floors min. 15’ for third floor min.	15’ to 31’
Rear setbacks	10’ first and second floors min. 15’ for third floor min.	13’ to 15’
Building Coverage	35% max.	28.8%
Height	45’ max. 36’ to wall plate max.	37’ 30’5”
Open Area	35% min. 100 sq. ft. per unit private min. 100 sq. ft. per unit common min.	42% 121-696 sq. ft. per unit private 232 sq. ft. per unit common
Private Storage	164 cu. ft./unit min.	167-398 cu. ft. per unit
Parking	2 covered spaces per unit + 0.3 guest space min. (3 spaces)	two-car garages + 3 guest spaces

**Open Space and Trees**

The project contains approximately 11,499 square feet of open area (42% of the site area), exceeding the minimum 35% requirement. In addition to the paseos, landscaped front yards and setbacks, and private balconies, the project provides common open space between the two buildings on the south side of the site and the southwest corner of the site. These open spaces provide amenities such as seating areas, game tables, barbecue, shade structures, and a rain garden. The DRC has conditioned the project to incorporate a child’s play structure in the southwest corner of the site.

An arborist report was completed for the project by Kielty Arborist Services and reviewed by the City arborist. The tree survey identified, measured, mapped, and rated the trees for preservation, which took into consideration the trees’ age, health, structural condition, and proximity to the proposed structures and site development. The arborist report analyzed a total of 16 trees, including one tree on the neighboring property that could be impacted by construction. Of the 16 trees, eight are Heritage trees. The project proposes to retain seven Heritage trees and remove one Heritage oak tree, due to its poor condition and location in the proposed building foundation area. The project proposes to plant 29 new 24” box trees.

The following table shows the existing and estimated future tree canopy coverage for the site:

**Table 2: Tree Canopy Coverage**

	<b>Canopy Coverage</b>
Existing	22%
Retained + New After 5 to 10 Years	27%
Retained + New at maturity	38%

**SB 330 and Tenant Relocation**

SB 330 (Housing Crisis Act of 2019) took effect on January 1, 2020 and applies to residential projects with applications not deemed complete under the Permit Streamlining Act prior to January 1, 2020. The project is subject to the provisions of SB 330, which include procedural requirements as well as thresholds and requirements pertaining to tenant relocation benefits separate from the City’s Tenant Relocation Assistance Ordinance (TRAO).

The existing single-family home on-site is exempt from the City’s Community Stabilization and Fair Rent Act (CSFRA) and TRAO. Additionally, the tenant relocation



requirements of SB 330 do not apply to the existing home because the income of the tenant exceeds the threshold of 80% Area Median Income (AMI).

### **Below-Market Rate Requirement**

The project is subject to the City's Below-Market-Rate (BMR) Ordinance, Phase I. As part of the BMR Ordinance, Phase II update, Council adopted a grandfathered provision for projects that had submitted a formal application by June 30, 2019 and submitted additional information as requested by the City by August 24, 2019. The project submitted an application on September 5, 2018 with sufficient information for review. Therefore, the project is grandfathered under the BMR Phase II update and is subject to the requirements of the BMR Phase I Ordinance.

In order to satisfy the BMR Phase I requirements, the applicant proposes to pay BMR In-Lieu Fees of approximately \$462,000 based on the applicant's projected average sales price of \$1.4 million per unit.

### **Subdivision Map**

The proposed Vesting Tentative Map for the project includes 11 residential lots and two common lots for a private shared driveway, guest parking, and open space. On October 13, 2021, the Subdivision Committee reviewed the application and found it consistent with the General Plan Land Use Designation of Medium High-Density Residential (26 to 35 units per acre) and the requirements of the Subdivision Map Act with incorporation of the draft Conditions of Approval and recommended approval (see Attachment 2 – Resolution for Vesting Tentative Map).

### **ENVIRONMENTAL REVIEW**

The project qualifies as Categorically Exempt under the California Environmental Quality Act, Section 15332 ("In-Fill Development Projects") because it is characterized as an infill development which is consistent with the applicable General Plan and zoning designation; is on a project site that is less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and public services.

### **FISCAL IMPACT**

The subject site has a current total assessed value of approximately \$633,000 (Fiscal Year 2021-22), and the current taxes paid to the City are approximately \$1,000. If the site were

developed with 11 residential units with an average sales price of approximately \$1.4 million, the City would receive approximately \$24,000 in additional property taxes per year.

The BMR In-Lieu Fees paid by the project would result in an estimated payment of approximately \$462,000, based on the applicant's projected average sales price of \$1.4 million per unit.

The project proposes 10 net new units from what exists on the site today and will be required to pay Park Land Dedication In-Lieu fees in accordance with Chapter 41 (Park Land Dedication or Fees In Lieu Thereof) of the City Code. The estimated in-lieu fee is \$480,000.

## **CONCLUSION**

The Zoning Administrator recommends approval of the proposed 11 rowhouses, and the Subdivision Committee recommends approval of the Vesting Tentative Map at 294-296 Tyrella Avenue. The project supports General Plan policies for neighborhood character and street presence and is consistent with the land use and development direction in the General Plan and is in compliance with the Zoning Code and the Rowhouse Guidelines. The proposal promotes a well-designed development that is compatible with and harmonious with surrounding uses and developments, and is consistent with other existing, under-construction, and proposed projects in the area. The project adds ownership housing but does displace tenants in rent-controlled units.

The proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan Land Use Designation of Medium High-Density Residential, the R3-1 (Multiple-Family Residential) Zoning District, including all the requirements applicable to the property, and with the Subdivision Map Act.

## **ALTERNATIVES**

1. Approve the project with modified conditions.
2. Refer the project back to the DRC and/or Zoning Administrator and Subdivision Committee for additional consideration.
3. Deny the project and/or deny the map.
4. Provide other direction.

## **PUBLIC NOTICING**

The Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. All property owners and tenants within a 750' radius were notified of this meeting.

Prepared by:

Clarissa Burke  
Senior Planner

Reviewed by:

Stephanie Williams  
Zoning Administrator/  
Planning Manager

Approved by:

Aarti Shrivastava  
Assistant City Manager/  
Community Development Director

Approved by:

Kimbra McCarthy  
City Manager

CB/1/CAM  
891-11-16-21CR  
200626

- Attachments:
1. Resolution for a Planned Unit Development, Development Review Permit, and Heritage Tree Removal Permit
  2. Resolution for a Vesting Tentative Map
  3. Project Plans
  4. Public Comment Letter