



COUNCIL REPORT

DATE: September 9, 2025

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Rowhouse Development at
828-836 Sierra Vista Avenue and
1975-1979 Colony Street**

RECOMMENDATION

1. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Planned Unit Development Permit and Development Review Permit to Construct a New 20-Unit Rowhouse Development with a Below-Market-Rate (BMR) Alternative Mitigation Proposal and Utilizing State Density Bonus Law on a 0.99-Acre Project Site Located at 828-836 Sierra Vista Avenue and 1975-1979 Colony Street (APN 153-04-001, 153-04-017, 153-04-018, and 153-04-019); and Finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines, 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 20 Residential Lots and Two Common Lots at 828-836 Sierra Vista Avenue and 1975-1979 Colony Street (APN 153-04-001, 153-04-017, 153-04-018, and 153-04-019); and Finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines, to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

Project Location: 828-836 Sierra Vista Avenue and 1975-1979 Colony Street (APN 153-04-001, 153-04-017, 153-04-018, and 153-04-019), on the southwest corner of Sierra Vista Avenue and Colony Street.

Project Site Size: Approximately 0.99 acre.

General Plan Designation: Medium-Density Residential.

Zoning Designation: R3-2 (Multiple-Family Residential) Zoning District.

Surrounding Land Uses: North—two-story single-family residential development, across Colony Street; south—a one-story, multi-tenant commercial development and industrial and commercial along Old Middlefield Way; east—three-story rowhouse developments, across Sierra Vista Avenue; and west—two-story single-family residential development.

Current Site Conditions: Vacant lot.

Applicant/Owner: Albert Wang for Legend Colony LLC.



Figure 1: Location Map

Project Overview

On September 20, 2023, Albert Wang for Legend Colony LLC filed a request for a Planned Unit Development (PUD) and Development Review Permit to construct a new 20-unit rowhouse development, utilizing State Density Bonus Law, on the four parcels that comprise the vacant 0.99-acre project site. The application also includes a Vesting Tentative Map to create 20 residential lots and two common lots, facilitating sale of the rowhouse units. Prior

development on the site included three single-family homes and one duplex, constructed in the late 1950s, but the site has been vacant (with prior improvements demolished) since early 2020.

The proposed site layout consists of 20 three-story rowhouse units in five buildings (see Attachment 3—Project Plans). The proposed site design includes a two-way driveway accessed off Sierra Vista Avenue, with pedestrian paths along the entry driveway and from Colony Street leading to the common open-space area in the southwest corner of the site. The on-site driveway also provides compliant emergency vehicle and solid waste service vehicle access and a solid waste staging area for pick-up services.



Figure 2: Site Plan

Three 4-unit buildings face the street, and two buildings face the interior common area. The rowhouse units range in size from 2,095 to 2,414 square feet, with 8 four-bedroom units and 12 three-bedroom units. Each of the units has a two-car garage (18 units have a two-car side-by-side garage, and two units have a two-car tandem garage), and there are three guest parking spaces for the development.

Prior Meetings and Hearings

Previous Entitlement

On October 16, 2018, the City Council approved a similar 20-unit rowhouse development at this site. The project received an automatic one-year extension based on City Council action on September 22, 2020 to grant such extensions to active entitlements as a result of the COVID-19 pandemic. The project was also automatically granted an additional 18-month extension under California Assembly Bill 1561, which also extended housing entitlements in response to the COVID-19 pandemic. The cumulative extensions provided for a final expiration date of April 16, 2023. However, the applicant was unable to proceed with the previously approved project, prior to the extended permit expiration date, due to unforeseen and significant capital constraints.

Design review consultation occurred under the prior entitlement and the currently proposed project is substantially the same, except where updates were needed to comply with current codes and regulations. No additional Design Review Consultation (DRC) meeting review occurred with the current application.

Administrative Zoning and Subdivision Committee Public Hearing (2025)

The project was reviewed at the Joint Zoning Administrator and Subdivision Committee on July 23, 2025 (see Attachment 4—[Administrative Zoning/Subdivision Committee Meeting, July 25, 2025](#)). Both the Zoning Administrator and Subdivision Committee recommended the City Council conditionally approve the application. One member of the public, a neighborhood resident, spoke at the meeting to ask questions about the approval and construction timeline for the project to understand what to expect given the long-term vacancy of the site. The applicant explained that the delay in this project's construction was unforeseen and there were significant capital constraints resulting from a catastrophic fire at another company project in 2019. The applicant indicated they plan to proceed with the building permit process and construction once the entitlements are approved.

Following the Joint Administrative Zoning and Subdivision Committee hearing, the applicant revised their proposal to include an Alternative Mitigation Proposal to satisfy the City's Below-Market-Rate (BMR) requirements. The project's Alternative Mitigation Proposal and its compliance with the City's BMR program are discussed later in this report.

ANALYSIS

General Plan

The site's General Plan designation is Medium-Density Residential (13 to 25 dwelling units per acre (du/ac)), and it is located in the Monta Loma/Farley/Rock Planning Area. This area contains primarily residential land uses, with some commercial, industrial, and public facilities uses as well.

The proposed project is consistent with the General Plan land use designation and vision for this area, which accommodates multi-family development with compatible residential character, providing a range of densities (including the 18 units per acre project density) and a broad mix of housing types. The project complies with the following General Plan Policies:

- **LUD 3.2: Mix of land uses.** Encourage a mix of land uses, housing types, retail and public amenities, and public neighborhood open spaces accessible to the community.

The project is a housing development designed to accommodate a variety of household types and income levels.

- **LUD 3.5: Diversity.** Encourage residential developments serving a range of diverse households and incomes

The project is a residential development serving a range of diverse households and incomes, particularly by providing ownership housing opportunities at different income levels.

- **LUD 3.9: Parcel assembly.** Support the assembly of smaller parcels to encourage infill development that meets City standards and spurs neighborhood reinvestment.

The project is proposing development on an assemblage of four currently vacant, unutilized parcels designated for residential development.

- **LUD 6.1: Neighborhood character.** Ensure that new development in or near residential neighborhoods is compatible with neighborhood character.

The project is a rowhouse development which is consistent with the surrounding neighborhood as it is developed with single-family and multi-family developments, including several other rowhouse developments.

- **LUD 6.3: Street presence.** Encourage building facades and frontages that create a presence at the street and along interior pedestrian paseos and pathways.

The project is consistent with the Rowhouse Guidelines, providing direct pedestrian access to raised front entries, facing the public street, which creates a pedestrian-friendly street presence. The project also includes pathways within the development to provide on-site connectivity for residents to the common private open space and site amenities.

- **LUD 10.1: Sustainable design and materials.** Encourage high-quality and sustainable design and materials.

The project also includes sustainability measures, such as low-water landscape design, and voluntarily proposes all-electric units.

The City's recently adopted Sixth-Cycle Housing Element 2023-2031 also includes goals and policies which the project meets, including:

- **Policy 1.1:** Ensure that adequate residential land is available to accommodate the City's Regional Housing Needs Allocation (RHNA), with special focus on Precise Plan areas near transit, employment centers, and services.

The project will provide units to help the City meet its RHNA requirement in multiple income categories.

- **Policy 1.2:** Encourage a mix of housing types at a range of densities that serve a diverse population, including rental and ownership units serving both young and mature families, singles, young professionals, single-parent households, seniors, and both first-time and move-up buyers, at a broad range of incomes through development policies and City-subsidized affordable housing.

The project will create a mix of housing units for diverse populations as the project proposes 15% of the 20 total units (or three units) to be available for sale to moderate-income households.

Zoning

The site's zoning designation is R3-2 (Multiple-Family Residential). The R3 Zoning District allows rowhouse developments through the PUD permit process, consistent with the Rowhouse Standards and Guidelines that are incorporated into R3 Zoning District standards by reference. The project complies with the Rowhouse Standards and Guidelines, with no exceptions proposed through the PUD permit process and one waiver/reduction of development standards proposed

pursuant to State Density Bonus Law provisions. The following table shows the project's compliance with the applicable Rowhouse Development Standards and Guidelines.

Table 1: Project Compliance with Rowhouse Standards and Guidelines

Standard	Requirement	Proposed
Density	25 du/ac per General Plan (maximum)	20 du/ac
Floor Area Ratio	1.05 maximum	1.05
Front Setback	15' maximum	15'
Side Setback	10' minimum for the first and second stories; 15' minimum for the third story	13' for the first and second stories; 16' for the third story
Rear Setback	10' minimum, for the first two stories; 15' minimum for the third story	14'3" for the first two stories; 15'3" for the third story
Site Coverage	35% maximum	38.49% (Density Bonus Waiver)
Height	45' maximum 36' maximum to wall plate	41' maximum 30'5" maximum to wall plate
Open Area	35% minimum 100 square foot minimum per unit private open space = 2,000 square feet (total)	38.39% Total: 3,073 square feet
Private Storage	164 cubic feet/unit minimum	164 cubic feet/unit
Parking	38 spaces, per State Density Bonus Law provisions: 2-3 bedroom units: 1.5 spaces 4+ bedroom units: 2.5 spaces Bicycle spaces: 1 per unit = 20 (total)	40 spaces for the rowhouse units in private two-car garages and three guest spaces (including one van ADA space) Bicycle spaces: 20 (within private garages)

Project Design

The proposed structures feature craftsman-style architecture and incorporate similar features to what occurs across the variety of buildings in the existing neighborhood, such as traditional gable, hip, and shed roof forms; raised front-/street-facing porches; and residential accent detailing, such as brackets and corbels. The buildings also employ materials found in other nearby residential buildings, such as stucco, horizontal siding, board and batten siding, and stone veneer

accents. The units are differentiated through variations in massing, roof forms, projections, wall offsets, porch elements, and the use of varied exterior materials and colors.

The building design incorporates architectural detailing and pop-out elements to enhance visual interest. Additionally, the project exceeds the minimum side setback and employs additional third-story step-backs to help provide a sensitive transition to the adjacent lower-scale residential development.



Figure 3: Building Rendering at Corner of Sierra Vista Avenue and Colony Street

Parking

The on-site vehicle drive provides direct access to garages for each unit, guest parking, and compliant emergency vehicle and solid waste service vehicle access. The project also provides compliant bicycle parking for residents and guests. The project proposes two-car garages for each unit and three guest parking spaces along the common driveway. Bicycle parking spaces are provided in each garage area.

Open Space and Landscaping

The project contains approximately 16,364 square feet (38.39%) of open area, which meets the minimum 35% open area requirement for rowhouse developments. The proposed common open space is approximately 5,000 square feet in size and includes a community plaza featuring a trellis, seating, and tables, as well as a flexible, unprogrammed lawn area. Located at the southwest corner of the site, the common open space is accessible via onsite pathways that

connect throughout the development. It is lined by a landscape buffer (with trees) along the west and south, and on-site rowhouse units front on the open space to the north and east.

The project site is currently vacant and contains no existing on-site trees. Off-site trees provide approximately 1,300 square feet (3% site coverage) of on-site canopy, along the westerly property line. The proposal includes the planting of 34 new trees, 21 of which are native species. The proposed tree canopy after 10 years (12.8%) is less than the previously entitled project (21.6%) as several proposed tree planting locations in the previously entitled project were found to conflict with other City requirements such as the required ladder pad (Fire Code) and solid waste staging locations. The proposed tree canopy will exceed that of the current condition at the time of planting and is expected to double existing canopy within approximately five years.

Table 2: Tree Canopy Coverage

Canopy	Site Coverage
Existing (off-site tree canopy)	3%
New Canopy (at planting)	3.4%
New Canopy (5-10 years)	6.7-11.4%
New Canopy (after 10 years)	12.8 %

In addition to the new trees, the project features a comprehensive landscape plan that incorporates primarily native plantings (89%). Landscaping occurs in front of each rowhouse unit and around the perimeter of the site, including along neighboring residential properties to provide a privacy buffer and soften the transition.

The driveway entrance is attractive with a pedestrian path, landscaping, and decorative paving, and trees are planted along property lines with adjacent neighbors to create a buffer. The overall landscape palette also complies with the City's Water Conservation in Landscape Regulations.

Vesting Tentative Map

The proposed Vesting Tentative Map would create 20 residential lots and two common lots. Staff finds that the project is consistent with the requirements of the Subdivision Map Act, City Code standards applicable to subdivisions, and the General Plan with incorporation of the draft Conditions of Approval (see Attachment 2).

Below-Market-Rate Housing Proposal

At the time of the Joint Administrative Zoning and Subdivision Committee public hearing on this project on July 23, 2025, the proposal fully complied with the BMR Ordinance through provision of 25% on-site BMR units, including four units affordable to moderate-income households and one unit affordable to above-moderate-income households. Following the public hearing, the

applicant revised the project to include an Alternative Mitigation Proposal that combines providing on-site BMR units and payment of an in-lieu fee to address the overall 25% BMR requirement as explained in more detail below.

The BMR program's objective standard for a rowhouse project is the provision of 25% on-site BMR units, which would equate to five (5) BMR units in this project. All BMR units must be reasonably dispersed throughout the project, have a distribution of bedroom counts proportionate to the market-rate units, and be of comparable size based on net habitable square footage. Additionally, BMR units must be provided at a minimum of two income levels with a weighted average equal to 100% for 15% of the BMR requirement between 80% and 120% area median income (AMI); and a minimum of two income levels with a weighted average of 135% for 10% of the BMR units between 120% and 150% AMI (per City Code Sections 36.40.10(b), (d), and (f)).

After the Joint Administrative Zoning and Subdivision Committee public hearing, the applicant reevaluated the project and proposed an alternative mitigation through a hybrid of BMR units and in-lieu fees to meet a 25% equivalency, rather than 25% onsite BMR units as originally proposed. Currently, the BMR ordinance allows applicants to "submit a request to meet their BMR program obligations through other means such as dedication of land, the provisions of other resources, payment of an in-lieu fee, or other alternatives" (per City Code Section 36.40.30). This request is discretionary and, therefore, requires Council to review and approve the proposal.

Table 3, below, outlines the applicant's proposal to fulfill the 25% BMR requirement, per their exploration of alternative mitigation approaches allowed by the City Code.

Table 3: Alternative Mitigation Approach

Percentage Requirement	Means	Proposal
15%	On-site BMR units	3 BMR units
10%	BMR in-lieu fee	\$540,607.96

The applicant proposes to provide three BMR units, which is 15% of the total units, and would be composed of two 3-bedroom units and one 4-bedroom unit. The units would be set at 80%, 100%, and 120% AMI levels. In order to meet the Density Bonus AMI requirement, units will be provided at the moderate income level (80% to 120% AMI), and this level of affordability is also consistent with the City's BMR Ordinance.

The applicant proposes to provide the remainder (10%) of its 25% BMR requirement through payment of \$540,607.96 in fees in lieu of providing two additional units. This in-lieu fee payment would be added to the City's Housing Fund, which is used to support affordable housing

production and initiatives (such as acquisition/preservation, middle income homeownership, etc.).

This project presents an opportunity for the City to secure both affordable for-sale BMR units and in-lieu fees, which would generate additional resources to support the City's pipeline of 100% affordable housing developments in a financial climate where such resources are increasingly limited. The proposal meets key requirements related to site location, architectural design, and the provisions of the BMR program. The applicant is actively working to fulfill the City's requirements to advance the project, including pursuing strategies to meet the full 25% affordability requirement in a hybrid manner (units plus fees) that is mutually beneficial for both the City and the developer. In addition, the project responds to the Council's interest in expanding missing middle homeownership opportunities by delivering large, highly sought-after three- and four-bedroom ownership units.

State Density Bonus Law Request

The project's inclusion of BMR units at the affordability levels referenced in the section above qualifies the project to use provisions of State Density Bonus Law. Specifically, the project will provide 15% of the 20 total units (three BMR units) to households earning up to 120% AMI (i.e., moderate income), which qualifies the project for a 10% density bonus. Although the project qualifies for a 10% density bonus, the project applicant is not requesting any density bonus units. The applicant is proposing 20 units, which is less than the maximum allowable density of 25 units per the General Plan.

Pursuant to provisions of State Density Bonus Law, the applicant is requesting a waiver of one development standard—the site coverage requirement. Specifically, the applicant is requesting a waiver/reduction to allow site coverage of 38.49% in lieu of the 35% site coverage maximum. The City is prohibited from applying the lot coverage development standard as a result of the applicant's qualifying State Density Bonus Law waiver request and must grant the requested waiver because application of the lot coverage standard would have the effect of physically precluding the construction of the project at the permitted density, as described in Government Code Section 65915(e). As noted earlier in this report, the project complies with all other applicable development standards, including floor area and setback standards.

Park Land Dedication In-Lieu Fee

The General Plan sets a goal for an expanded and enhanced park and open space system to meet City needs for parks and open space based on population growth arising from new residential development. New residential subdivisions have a significant impact on the use and availability of park and recreation space and facilities. Specifically, this project is located in the Rengstorff Planning Area, identified in the 2014 Parks and Open Space Plan as having an existing park land

deficiency of 2.56 acres for existing residents of the area, per the City's standard of 3.0 acres of park land per 1,000 residents.

Typically, park land requirements for development projects are satisfied through the dedication of land to the City. However, City Code Section 41.4 provides that for a subdivision of 50 parcels of land or less, the project shall satisfy the park land requirement by paying a fee. Therefore, as a condition of approval, the applicant is required to pay a Park Land Dedication Fee of \$57,000 for each net new market-rate residential unit (17 units), for a project total fee of \$969,000, which is based on a land valuation of \$9,500,000 per acre in accordance with Chapter 41 of the City Code. Park Land Dedication Fees are not required to be paid for affordable housing for very low-, low-, or moderate-income households per City Code Section 41.2.

Pursuant to current state law, the fee must be paid prior to the final inspection that grants occupancy of the project. No credit is allowed for private open space and recreational amenities provided in the project. Notwithstanding the foregoing, no later than sixty (60) days prior to the issuance of a building permit, the applicant may make a one-time written request to the City to recalculate the Park Land Dedication Fee applicable to the project based on any update to or replacement of the Fee Ordinance. The recalculated fee shall result in no less than a twenty percent (20%) reduction of the total fee amount set forth above and would replace the fee calculated in the current draft condition of approval. The Public Works Director or designee is authorized to recalculate the Park Land Dedication Fee upon a timely filed request by the applicant and is further authorized to approve collection of a reduced fee for the project consistent with the provisions outlined in the applicable condition of approval.

ENVIRONMENTAL REVIEW

Staff recommends finding that the project is categorically exempt pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and that none of the exceptions to the exemption in CEQA Guidelines Section 15300.2 apply. This exemption applies to projects consistent with the General Plan Land Use Designation and policies, all zoning regulations and designations, and other criteria described here. The project occurs within the City limits, is located on a project site of no more than five acres and is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant impacts relating to traffic, noise, air quality, or water quality; and the site can be served by all required utilities and public services.

Vehicle Miles Traveled

As the project is creating a 20-unit multi-family development, it would not exceed the City's transportation impact thresholds. According to the City's Vehicle Miles Traveled (VMT) policy, small residential projects of this scale are presumed to have a less-than-significant transportation impact.

FISCAL IMPACT

The project site has a current total assessed value of approximately \$9.4 million. The City currently receives approximately \$16,000 annually in property tax revenue from the site. If developed as proposed, the City would receive an estimated additional \$14,000 per year, resulting in total annual property tax revenue of approximately \$30,000.

Pursuant to Chapter 41 of the City Code, the applicant is required to pay a Park Land Dedication Fee of \$57,000 for each net new market-rate residential unit (17 units), resulting in a total fee of \$969,000.

In addition, the City would receive \$540,607.96 in BMR In-Lieu Fees, contingent upon Council approval of the applicant's Alternative Mitigation Proposal.

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

CONCLUSION

The project supports General Plan policies for neighborhood character and street presence, 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 provides for-sale housing units, which help contribute to the City's diverse housing stock, and promotes a well-designed development that is compatible and harmonious with surrounding uses and existing/proposed developments in the area.

The proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan, the R3-2 (Multiple-Family Residential) Zoning District, including

all requirements applicable to the property, and the Subdivision Map Act. City staff, the Zoning Administrator, and the Subdivision Committee recommend approval of the proposed project subject to the conditions of approval enclosed herein.

ALTERNATIVES

1. Approve the project with modified conditions of approval.
2. Refer the project back to the Zoning Administrator and/or Subdivision Committee for additional consideration.
3. Deny the project and adopt findings for denial.

PUBLIC NOTICING

The City 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 and interested stakeholders were notified of this meeting.

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CDD/EK-09-09-25CR
<Legistar ID by DP>

- Attachments:
1. Draft Project Resolution
 2. Draft Vesting Tentative Map Resolution
 3. Project Plans
 4. [Administrative Zoning/Subdivision Committee Meeting, July 23, 2025](#)
 5. Alternative Mitigation Proposal