



COUNCIL REPORT

DATE: September 23, 2025

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Residential Condominium Development
at 266-272 Tyrella Avenue**

RECOMMENDATION

1. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Development Review Permit to Construct a Four-Story, 47-Unit Residential Condominium Development Utilizing State Density Bonus Law and a Heritage Tree Removal Permit to Remove Eight Heritage Trees on a 1.01-Acre Site Located at 266-272 Tyrella Avenue (APN: 160-32-006 and 160-32-007), and Finding that the Project is Exempt from Review under the California Environmental Quality Act (CEQA) Pursuant to Section 15332 ("In-Fill Development") 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 Tentative Map to Create One Common Lot and 47 Residential Condominium Units at 266-272 Tyrella Avenue (APN: 160-32-006 and 160-32-007), to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

Project Location: 266 and 272 Tyrella Avenue (APN: 160-32-006 and 160-32-007), on the west side of Tyrella Avenue, between Middlefield Road and Gladys Avenue.

Project Lot Size: 1.01 acres gross, 0.87 acres net.

General Plan Land Use Designation: Medium-High-Density Residential.

Zoning Designation: R3-1 (Multiple-Family Residential).



Figure 1: Location Map

Surrounding Land Uses: North—two-story apartments/condominiums; south—one-story single-family residential and a two-story condominium complex; west—two-story walk-up apartment with tuck-under parking; and east—one-story, single-family residential (across Tyrella Avenue).

Current Site Conditions: One single-family residence on the 272 Tyrella Avenue parcel and two duplexes (four units total) on the 266 Tyrella Avenue parcel.

Applicant/Owner: William Maston of William Maston Architect and Associates for CCC Associates.

Project Overview

The project proposes to redevelop the site with a four-story, 47-unit residential condominium development, replacing a single-family house and two duplexes on two parcels. The project also includes a Tentative Map to create one common lot with 47 condominium units (see Attachment 3, Project Plans).

The site layout consists of two buildings connected by a pedestrian walkway above one level of underground parking. The unit mix consists of 12 one-bedroom units, 33 two-bedroom units, and 2 three-bedroom units, ranging in size from approximately 720 square feet to 1,558 square feet. A total of 18,331 square feet of common open space with landscaping is provided throughout the project site, which includes amenity areas and perimeter landscaping. The project is located less than one-half mile from the Whisman Light Rail Station, which means that there is no minimum parking requirement; however, the proposed project is voluntarily providing one parking space per unit for a total of 47 parking spaces.

Density Bonus Request

Pursuant to State Density Bonus Law (Gov. Code § 65915), a city must permit the construction of additional residential units and, if requested by the applicant, provide reduced parking standards, regulatory incentives or concessions, and waivers of development standards to applicants that agree to build a certain percentage of affordable housing that meets statutory criteria. (Gov. Code § 65915(b)(1).) The project is a housing development with a base density of 36 units. The project will provide five very-low-income units (13% of the base project of 36 units), which qualifies the project for a 42.5% density bonus (16 additional units, for a total density of 52 units), two regulatory incentives/concessions, and unlimited waivers of development standards that physically preclude development at the allowed density. The developer will provide five on-site, very-low-income units and is proposing a total of 47 residential units (or 11 density bonus units), no incentives/concessions, and four waivers from the R3 Zoning District development standards. Details of the waivers are discussed later in the report.



Figure 2: Site Plan

Prior Public Meetings and Hearings

Design Review

The project design was reviewed at a Development Review Consultation (DRC) meeting on July 17, 2024. The DRC provided design input to improve the service area treatment located south of the existing driveway while also providing suggestions on material application and architectural detailing to further simplify the building design. Two members of the public spoke at the meeting, indicating concerns over the lack of perimeter landscaping and visual impact associated with the proposed building mass.

Subsequently, the applicant worked with staff to refine the project design and incorporate most of the design comments from the DRC meeting. Key modifications include improvements to the service area treatment by deemphasizing the paving, incorporating additional landscaping, and accenting the pedestrian pathway through the site. Additionally, the project design was modified to include a simplified color and material application, changes to the stone material for a smaller-profile brick to match the surrounding neighborhood character, and further adjustments to architectural detailing, such as to the trim, gable ends, and railing design. Furthermore, the

applicant has voluntarily agreed to continue refining the trim proportions at some areas of the building, and this is reflected in Condition of Approval No. 15, Exterior Materials.

Neighborhood Meeting

The applicant hosted an in-person neighborhood meeting on July 16, 2024, to discuss the project and gather community input. Twenty-five (25) members of the public attended the meeting. Participants expressed concerns regarding the proposed parking ratio of one parking stall per unit, noise impacts from the project construction and dust emissions, traffic and utility impacts, impacts of the increased project density, and aesthetic impacts of the proposed building height and design.

Administrative Zoning and Subdivision Committee Meeting

The development project was reviewed by the Zoning Administrator and the Subdivision Committee at a joint public hearing on August 13, 2025 (see Attachment 4—[Zoning Administrator/Subdivision Committee Hearing—August 13, 2025](#)), where the project was recommended for approval to the City Council. Prior to the meeting, staff received six public comment letters, two in support of the project and four expressing varying concerns related to limited parking on-site, traffic impacts, proposed waivers, and the California Environmental Quality Act (CEQA) exemption (see Attachment 5—Public Comments). At the hearing, three members of the public spoke on the item—one asked project questions, and a second raised concerns related to parking, construction impacts, and the suitability of tree preservation.

ANALYSIS

General Plan

The site has a General Plan Land Use Designation of Medium-High Density Residential (25 to 36 dwelling units per acre maximum density) and is located in the Moffett/Whisman Planning Area. The proposed project is consistent with the General Plan designation, which allows for multi-family housing, such as apartments and condominiums, with shared open space provided for common use and complies with the following General Plan Policies:

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

The proposed project is a residential development that supports a range of incomes as the project proposes 47 dwelling units, inclusive of five very low-income units and 42 market-rate units.

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

The proposed project complies with this policy by proposing a new development in a residential neighborhood that is compatible with the neighborhood character as the project uses traditional elements, such as angled roof forms and building material, to ensure that the architectural style is consistent with the surrounding area.

- **LUD 6.5: Pedestrian and bicycling improvements.** Support pedestrian and bicycling improvements and connections between neighborhoods.

The project improves the existing sidewalk by proposing widened sidewalk areas and landscape strips to create an improved pedestrian environment. Additionally, a new crosswalk is proposed across Kittoe Drive to improve pedestrian safety and connectivity along the project frontage to the surrounding neighborhood.

The City's Sixth-Cycle Housing Element 2023-2031 also includes goals and policies which the project meets. The project supports the following Housing Element goals and policies:

- **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 requirements and proposes additional residential units near transit as the site is within one-half mile of Whisman Station.

Zoning

The project site is located in the R3-1 (Multiple-Family Residential) Zoning District, which allows multi-family residential development. The project complies with the R3 Zoning District development standards with exceptions to certain development standards permitted through waivers requested under State Density Bonus Law.

Table 1 below compares the project proposal to the R3 Zoning District requirements. Waivers from the development standards are requested and permitted pursuant to State Density Bonus Law and discussed in greater detail later in this report.

Table 1: Project Compliance Assessment with R3-1 Development Standards

Standard	Requirement	Proposed
Density (units/acre)	35	47 ¹
Floor Area Ratio (maximum)	1.05	1.54 (Waiver requested)
Height (maximum)	45'	55'3" (Waiver requested)
Front, Side, and Rear Setbacks (minimum)	Front, Side, and Rear Setback: 15' or the height of the adjacent building wall of the subject parcel as measured to the top of the wall plate, whichever is greater	See below
First Floor	15'	Front: 15' Side (North): 15' Side (South): 15' Rear: 15'
Second Floor	19'9"	Front: 15' Side (North): 15' Side (South): 15' Rear: 15' (Waiver Requested)
Third Floor	30'	Front: 15' Side (North): 15' Side (South): 15' Rear: 15' (Waiver Requested)
Fourth Floor	44'1"	Front: 15' Side (North): 15' Side (South): 15' Rear: 15' (Waiver Requested)
Site Coverage (maximum)	35%	47% (Waiver Requested)
Pavement Coverage (maximum)	20%	5.1%
Open Area (minimum)	55%	58%

¹ Allowed under State Density Bonus Law.

Standard	Requirement	Proposed
Minimum Personal Storage	500 cubic feet per unit	Approximately 500 cubic feet per unit
Minimum Vehicle Parking	No minimum parking spaces required	47 parking stalls
Minimum Bicycle Parking	Resident: 1 space per unit (47 spaces) Guest: 1 space per 10 units (5 spaces)	Resident: 47 spaces Guest: 14 spaces

Proposed Site Plan

The project consists of a 47-unit building above one level of underground parking with a single vehicular access point to the underground parking located near the southeast corner of the site, directly across from Kittoe Drive. An additional surface driveway for fire/trash/utility access is proposed immediately adjacent to the resident driveway and is split into two zones. The portion of the second driveway closest to Tyrella Avenue is primarily paved for regular use by trash trucks and to provide clear access to transformers, with special paving proposed. The area behind the front-yard fence line/gate near the southern property line provides additional emergency vehicle access (EVA) and currently proposes to use grasscrete and native turf to soften views of the area.

The primary pedestrian entrance to the building is located on the opposite end of the building, off the northeast corner of the site. The site includes 18,331 square feet of open space in three primary areas: an entry courtyard behind the lobby area, a smaller courtyard at the rear of the site, and a pedestrian (north-south) paseo through the center of the site. The entry courtyard creates a larger setback for a portion of the building from the side and rear property lines, adjacent to two existing two-story apartments/condominium buildings. Additional landscaping and screening trees are proposed around the project's perimeter to soften the views of the four-story structure.

Design

The project has a contemporary design and includes traditional design elements to improve the building's compatibility with the surrounding residential neighborhood. These traditional elements include angled roof forms and building material, such as board and batten siding, stucco, cementitious siding, and a brick wainscot. The project also includes simple detailing that gives the structure a more residential character, such as the detailing at gable roof ends, 2" recessed windows, and wood awnings. The projecting bays and balcony stacks on the building help articulate and break up horizontal building mass while changes in material at the fourth floor deemphasize the fourth story. A prominent wood trellis above the main pedestrian entrance of the building highlights the primary entry point, while the vehicular entrance located at the opposite end of the building utilizes a similar but less prominent wood trellis feature.



Figure 3: Building Elevation at Tyrella Avenue

Open Space and Landscaping

The project includes 18,331 square feet of common open area, which includes a primary entry courtyard behind the lobby, rear courtyard at the farthest end of the lot, and a pedestrian paseo at the center of the site. In addition to the common amenity area, each unit includes a private patio or deck, resulting in an additional 3,871 square feet of total private decks/patio area (minimum 40 square feet per unit). The design of the entry and rear courtyards creates a gathering area around the existing/new oak trees and includes small outdoor kitchens and seating areas. The project also includes perimeter landscaping with screen trees to soften the building appearance.

An arborist report was completed for the project by Kielty Arborist Services, LLC, and reviewed by the City arborist (see Attachment 6—Arborist Report). There are 20 Heritage trees on-site and four non-Heritage trees. The project proposes to remove eight Heritage trees (Raywood ash, Coast live oak, Pittosporum, Deodar cedar, Japanese yew, and Privet tree species) and two non-Heritage trees. The Heritage trees are in poor condition, and due to conflicts with the building and proposed utilities, it would be infeasible to save the trees as reviewed by the applicant's arborist and confirmed by the City arborist. Additionally, the applicant's arborist reviewed the viability of transplanting the Heritage trees but found they were unsuitable candidates for transplant due to the poor condition of the trees.

As part of the project landscape plan, the applicant proposes replacing the eight existing Heritage trees and two non-Heritage trees with a total of 38 new trees, which includes four new street trees and 34 on-site trees. The project proposes 86% California native plantings, which exceeds

City Council's 75% native landscaping goal. The tree replacement proposal of 3.8:1 exceeds the City's standard practice for a 2:1 replacement ratio for Heritage trees. The resulting replacement trees are also anticipated to create a net gain of on-site canopy over time as shown in Table 2 below.

Table 2: Tree Canopy Coverage

Canopy	Site Coverage
Existing	22%
New Canopy (at planting)	9.2%
New Canopy (5-10 years)	13.8%
New Canopy (full growth)	39.2%

State Density Bonus Law Request

State law imposes a mandatory density bonus program that requires a city to permit the construction of additional residential units and, if requested by the applicant, provide reduced parking standards, regulatory incentives/concessions, and waivers to developers that agree to build a certain percentage of affordable housing that meets the statutory criteria. The project's base density is 36 units, and the developer is proposing that 13% (five units) of the 36 units be available to very-low-income households, qualifying the project for a 42.5% density bonus, or 52 units, and two regulatory incentives/concessions. The applicant has elected a lesser percentage of density increase by proposing a total of 47 units and is not requesting any incentives or concessions.

The five affordable units provided to achieve additional density bonus units under State Density Bonus Law satisfy the City's Below-Market-Rate (BMR) Ordinance and the state's Senate Bill (SB) 330 replacement requirements as the requirements may be fulfilled by the same units. Detailed analysis of these requirements is included later in this report.

Waivers

Under State Density Bonus Law, the City is required to waive or reduce any development standards that would have the effect of physically precluding the construction of a development at the density permitted. The applicant is requesting waivers of four R3 Zoning District development standards, which are outlined in the density bonus letter submitted by the applicant (see Attachment 7—Density Bonus Request Letter) and includes details on how these standards, if required, would physically preclude the construction of the development at the proposed density.

The project requested waivers to minimum setbacks, maximum height, maximum floor area ratio, and maximum allowed site coverage standards. Details of the proposed waiver are included in Table 1 above.

Below-Market-Rate Housing

The proposed development at 266 and 272 Tyrella Avenue involves the replacement and redevelopment of five existing units across two parcels with the construction of 47 new ownership units, including five BMR units.

The proposed project aligns the affordable housing obligations under Mountain View's BMR Ordinance (City Code Section 36.40.10), State Density Bonus Law, and State Housing Crisis Act (SB 330) replacement requirements (Gov. Code § 66300.6). This project complies with local and state requirements and delivers units that exceed certain local requirements while fulfilling state mandates.

These various requirements may be combined by adhering to the strictest of the requirements. Table 4 (below) summarizes the three regulations impacting the number of units and affordability levels and the project's compliance with the requirements.

Table 4: Local and State Regulations and Project Compliance

Requirement	BMR Ordinance	State Density Bonus Law	SB 330	Developer Proposal	Compliance
Total Affordable Units Required	15% of base = 5.4 units*	13% of base = 4.68 units (rounds up to 5 units)	Replace 4 protected units	5 units provided + 0.4 via in-lieu fee	BMR: Meets SDBL: Meets SB 330: Meets
AMI Breakdown	Min. 2 income levels with avg. = 100% AMI	5 units @ 50% AMI (or below)	4 units @ 30% AMI	1 unit @ 50% AMI 4 units @ 30% AMI	BMR: Exceeds SDBL: Meets SB 330: Meets

* For fractional units below 0.5, the City's BMR Ordinance allows applicants to pay an in-lieu fee.

1. Below-Market-Rate Ordinance

To meet the City's 15% BMR requirement, the project would need to deliver 5.4 units. The applicant proposed to meet this requirement by providing five very low-income units and

pay an in-lieu fee for the fractional portion (0.4 unit). The in-lieu fee for the 0.4 fractional unit is \$30,162.89. Therefore, the project meets the percentage requirement.

The City's BMR Ordinance allows its requirements to apply in conjunction with the State Density Bonus Law provided that the affordable units meet the more stringent standards of either the BMR program or state law (City Code Section 36.40.10(i)). The area median income (AMI) thresholds required by the state regulations are lower than City's AMI threshold for BMR units and, therefore, the project proposal exceeds the City's affordability standards.

2. State Density Bonus Law

To qualify for a State Density Bonus, a project must provide a percentage of inclusionary housing units. This percentage is a sliding scale, based upon the AMI levels that are provided.

The provision of five units at very-low-income levels, rather than moderate-income levels, is therefore permissible, and the project meets the requirements under State Density Bonus Law.

3. SB 330

The site currently includes a vacant single-family home at 272 Tyrella Avenue and four occupied two-bedroom units at 266 Tyrella Avenue. Based on income information submitted by the applicant, the single-family home at 272 Tyrella is not considered a protected unit under SB 330. However, all of the tenants in the four units at 266 Tyrella Avenue have incomes below 80% AMI, classifying these units as protected units under SB 330.

Per SB 330, the four protected units must be replaced with units of equivalent size (comparable bedroom count). These units must be affordable to households in the same or lower income category as the tenant households in occupancy at the time the Notice of Intent to develop the site was issued. The Notice of Intent for the project development was issued on May 29, 2025. The income level of the four current tenant households within the protected units is reported to be at 30% AMI. The applicant proposes to fulfill the SB 330 replacement requirements through the inclusion of four two-bedroom units at or below 30% AMI.

Homeowners Association Reserve Fund

The BMR Ordinance requires a reserve fund to be established for ownership unit projects when the designated AMI levels for the units are below 80% AMI. All proposed BMR units in the project

are designated below 80% AMI, and the applicant will comply with the homeowners association (HOA) reserve requirement by setting up an HOA reserve fund. The City currently estimates \$349,875 will need to be deposited into the reserve fund for the BMR units. The applicant will identify and contract with an administrator to manage these funds. The reserve fund shall be identified and its purpose described in the Covenants, Conditions, and Restrictions (CC&R) for the project.

Tenant Relocation Assistance

This project is subject to compliance with the State Housing Crisis Act (SB 330) requirements (California Gov. Code §66300.6.) and City of Mountain View's Tenant Relocation Ordinance (Section 36.38.15).

The vacant single-family home at 272 Tyrella Avenue, with the income of the previous tenant above 80% AMI, is not covered by the Tenant Relocation Assistance Ordinance (TRAO) or the State Housing Crisis Act (SB 330). The four units at 266 Tyrella Avenue with tenant household incomes at 30% AMI and under are considered protected units under SB 330 and are also subject to the City's TRAO requirements.

Communication efforts by the applicant in accordance with the TRAO requirement along with the benefits package offer are summarized in Attachment 8—TRAO and SB 330 Analysis.

Parking

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" as defined in Public Resources Code (PRC) Section 21155, and City Code Section 36.32.50 (Required number of parking spaces) imposes no minimum parking requirement for residential development on properties located within one-half mile of a major transit stop as defined in PRC Section 21155. AB 2097 defines "major transit stop" to include existing rail or bus rapid transit stations, and for purposes of AB 2097, the one-half mile distance to a major transit stop is measured in a straight, direct line from the nearest edge of the parcel(s) containing the project site to any point on the parcel on which the major transit stop is located. (See California Department of Housing and Community Development's *Technical Advisory on the Implementation of AB 2097, Prohibition on Minimum Parking Requirements* (January 2025))².

Pursuant to AB 2097 and City Code Section 36.32.50, there are no minimum vehicular parking requirements for this development project because the project site is located within one-half

² See Question 9, page 6. Available at <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/ab-2097-ta.pdf>.

mile of two major transit stops as defined in PRC Section 21155. The Mountain View Transit Center (operated by Caltrain and Valley Transportation Authority (VTA)), and Whisman Light Rail Station (operated by VTA) both qualify as major transit stops as defined in PRC Section 21155, and the development site is located within one-half mile of both major transit stops.

Although no vehicular parking is required, the project is voluntarily proposing 47 vehicular parking stalls (one space per unit) and will include required electric vehicle (EV) equipment-installed parking spaces and spaces that are accessible to persons with disabilities. The proposed parking is located in a single-level ground-floor parking garage accessible from Tyrella Avenue.

A proposed secured bicycle storage room is located on the ground floor and includes 47 long-term bicycle parking spaces. Additionally, a total of 14 short-term bicycle parking spaces will be provided in various outdoor areas of the site (e.g., near the street frontage close to building entrance and near common amenity areas). The project meets the long-term and exceeds the short-term bicycle parking minimum standard requirements.

Transportation

Multi-Modal Transportation Analysis (MTA): On June 30, 2020, the City Council adopted a Vehicle Miles Traveled (VMT) analysis methodology for development projects that require transportation analysis Citywide in combination with requirements for a local-level analysis of multi-modal transportation impacts (including bicycle, pedestrian, and vehicle movements), referred to as a Multi-Modal Transportation Analysis (MTA).

The proposed project is estimated to generate five additional net new trips above the threshold indicated in the MTA Handbook and would require a small-scope MTA that would focus primarily on site access and circulation. Staff used professional judgment and engineering experience to evaluate the scope and location of the project in order to identify potential improvements that the applicant could implement to address safety and operational concerns with the proposed project design. The site design was revised to include the identified improvements and, therefore, staff did not require an MTA for this project. These improvements include realignment of the underground parking driveway directly across from Kittoe Drive, new stop-controlled signage on Kittoe Drive, modifications to existing curb ramps, and a new crosswalk along Tyrella Avenue and Kittoe Drive for pedestrian and vehicular connectivity and circulation.

Streetscape

The project is not part of a Precise Plan and has no designated streetscape design. However, continuous pedestrian access along the project street frontages is required.

To comply with the street right-of-way standard and accommodate the new sidewalk design, a 5' right-of-way dedication will be provided. The proposed project provides a 6'-wide detached

sidewalk and a 10'-wide planter strip along Tyrella Avenue. The planter strips will provide a landscape buffer with new street trees and stormwater treatment between the roadway and the new public sidewalk. To preserve some of the Heritage trees along the Tyrella Avenue frontage, sidewalk segments will meander to a monolithic sidewalk and then conform to adjacent sidewalk grades.

The project also proposes a single 20'-wide driveway entrance to the underground garage that is designed to provide full access to the project. The driveway aligns directly opposite of Kittoe Drive, which allows for easier access and better sight lines for drivers. An additional 26'-driveway is provided only for emergency vehicles and trash pick-up operations.

New streetlights will be installed along the project street frontages to enhance visibility and pedestrian safety. Additionally, the existing pedestrian ramps at the intersection of Tyrella Avenue and Kittoe Drive will be upgraded, and the crosswalk across Kittoe Drive will be restriped.

Subdivision Map

The proposed Tentative Map for the project includes 47 condominium units and one common parcel on the existing 1.01-acre parcel. The Subdivision Committee conducted a duly noticed public hearing on August 13, 2025 and found that the project is consistent with the requirements of the Subdivision Map Act and the General Plan with incorporation of the draft Conditions of Approval (see Attachment 2—Resolution for Tentative Map) and recommended approval of the Subdivision Map.

Park Land Dedication In-Lieu Fee

The General Plan sets a goal for an expanded and enhanced park and open space system to meet current 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. The project is located in the Whisman Planning Area identified in the 2014 Parks and Open Space Plan as an area with a deficiency of 7.4 acres of park land for existing residents based on the General Plan standard of three acres of park land per 1,000 residents. The Whisman Planning Area is currently developed with 18.4 acres of park land where 25.8 acres of park land are required to serve the current population. Therefore, the existing park land is not adequate to serve the existing and proposed area, and additional park facilities are necessary.

As a condition of approval, prior to issuance of any building permits or prior to approval of a final map, the applicant shall pay the Park Land Dedication In-Lieu Fee of \$67,800 for each net new market-rate residential unit (37 units) for a project total fee of \$2,508,600 based on a land valuation of \$11.3 million per acre, in accordance with Chapter 41 (Park Land Dedication or Fees

in Lieu Thereof) of the City Code. No credit against the Park Land Dedication Fee is allowed for private open space and recreational facilities.

ENVIRONMENTAL REVIEW

This project is categorically exempt from CEQA pursuant to Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines. This exemption applies to projects that are consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation and regulations. 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 related to traffic, noise, air quality, or water quality. Finally, the site can be served by all required utilities and public services because the project is located in an urbanized area surrounded by residential and service uses that is served by all needed utilities, including electricity, sanitary sewer facilities, storm drain facilities, and water as well as all required public services.

The project met the City’s VMT policy screening criteria based on the map-based screening criteria as the site is located in areas of low VMT (already 15% below baseline), compatible with surrounding development, does not require significant new utility improvements, and does not lead to residential displacement as the project proposes to replace the existing affordable units at the same number and income levels. The project was, therefore, presumed to have a “less-than-significant” impact on VMT; the project will be constructed to comply with applicable local, state, and federal noise and water quality regulations as it is conditioned to comply with Municipal Regional Permit requirements to implement stormwater treatment facilities; and the project is below the Bay Area Air Quality Management District (BAAQMD) screening levels and is conditioned to implement all the construction-related Best Management Practices (BMPs) required by BAAQMD.

FISCAL IMPACT

The City currently receives approximately \$4,000 annually in property tax revenue from the site, which is allocated to the General Operating Fund (GOF). If developed as proposed, the City would receive an estimated additional \$71,000 per year, resulting in total annual property tax revenue of approximately \$75,000.

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 aligns with General Plan policies for neighborhood character and Housing Element policies for increasing the quantity and diversity of housing options, is consistent with the land use and development direction in the General Plan, and is in compliance with applicable provisions of the Zoning Code. The project utilizes State Density Bonus Law provisions, which permits the greater densities and proposed waivers to zoning development standards that preclude the development. Therefore, City staff, the Zoning Administrator, and the Subdivision Committee recommend approval of the proposed project subject to the conditions of approval.

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, and public notice of the hearing was published in a newspaper of general circulation per City Code Section 36.56.20.

Prepared by:

Krishna Penollar
Senior Planner

Diana Pancholi
Principal Planner

Amber Blizinski
Assistant Community Development Director

Approved by:

Christian Murdock
Community Development Director

Kimbra McCarthy
City Manager

CDD/KP-09-23-25CR

- Attachments:
1. Resolution for Development Review Permit and Heritage Tree Removal Permit
 2. Resolution for Tentative Map
 3. Project Plans
 4. [Zoning Administrator/Subdivision Committee Hearing—August 13, 2025](#)
 5. Public Comments
 6. Arborist Report
 7. Density Bonus Request Letter
 8. TRAO and SB 330 Analysis