



COUNCIL REPORT

DATE: June 23, 2026
CATEGORY: Public Hearing
DEPT.: Community Development
TITLE: Residential Development Project at 333 Franklin Street

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Planned Community Permit and Development Review Permit to Construct a Three-Story Multi-Family Building with 11 Apartment Units and Two, Two-Story Detached Accessory Dwelling Units (ADUs) on a Vacant Site Which Previously Contained a Multi-Family Building, Utilizing State Density Bonus Law, and a Heritage Tree Removal Permit to Remove Two Heritage Trees on a 0.172-Acre Site Located at 333 Franklin Street (APN: 158-12-069); and Finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA), Pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects"), to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

Project Location: 333 Franklin Street (APN: 158-12-069), on the east side of Franklin Street between West Dana Street and California Street (see Figure 1, Location Map).

Project Site Size: Approximately 0.172 acres (gross site area).

General Plan Designation: Medium-High Density Residential.

Zoning Designation: P(19) Downtown Precise Plan

Surrounding Land Uses:

- North: Multi-family residential building.
- East: Multi-family residential building.



Figure 1: Location Map

- West (across Franklin Street): Single-family residential units.
- South: Single-family residential unit.

Current Site Conditions: Vacant (previously a multi-family building demolished in 2025).

Applicant/Owner: Jenny Kang of Silicon Valley Custom Homes, Inc. for David Chao of Global Investors Team, Inc.

Project Overview

The applicant, Jenny Kang with Silicon Valley Custom Homes, Inc., proposes to redevelop the existing vacant site that previously contained an eight-unit multi-family building and construct a new three-story, 11-unit apartment building and two, two-story detached accessory dwelling units (ADUs). The proposed dwelling unit mix within the apartment building includes three studio units, six one-bedroom units, and two two-bedroom units. The detached ADUs consist of a one-bedroom unit and a two-bedroom unit. Per the replacement requirements under state law (Senate Bill 330, codified at Government Code Section 66300.6), eight units must be below-market-rate (BMR) to replace the eight units previously on the site. To satisfy this requirement, the applicant proposes that six of the apartment units and both ADUs be designated as BMR units. Replacing the eight units at specified affordability levels also makes the project eligible for a density bonus.

The apartment building totals approximately 8,717 square feet, and the two detached, two-story ADUs total approximately 1,474 square feet. Beneath the ADUs are two parking stalls, a trash room, bicycle parking, and a storage room. Vehicle access to the site is available from Franklin Street, which maintains the existing shared entry drive with the adjacent multi-family development to the north.

The applicant submitted an Informal Planning Application on March 21, 2023. The formal application was submitted on January 15, 2025, and deemed complete on February 6, 2025.

Prior Meetings

Design Review Consultation

The project design was reviewed at a Design Review Consultation (DRC) meeting on May 21, 2025. The DRC reviewed the project and provided design recommendations to improve the symmetry of the front elevation, alignment of building elements for a more cohesive design, and consistent application of building materials throughout the project.

Following the DRC meeting, the applicant worked with staff to refine the design and incorporate some of the suggestions, including adding materials on the proposed vehicle entry gate to match

the existing building, aligning windows along all facades, and applying consistent cement plaster siding throughout the site.

Neighborhood Meeting

The applicant hosted a hybrid neighborhood meeting on February 9, 2026, to discuss the project and gather community input, which City staff attended. Twelve (12) members of the public attended the meeting. Participants expressed concerns related to the affordability of the low-income units in relation to regional rent prices, impacts to street parking, neighborhood impacts (noise, safety, and communication) during construction, and the potential change to the neighborhood characteristics.

At the meeting, in response to the comments received, the applicant provided further information about the affordability requirements, the physical limitations on the site that limit the ability to provide additional parking, and discussed various design changes that were made to the project to give it a two-story profile in an effort to maintain compatibility with the surrounding neighborhood as the project serves as a transition between the historic Downtown and adjacent residential neighborhood.

Administrative Zoning Meeting

On May 27, 2026, the Zoning Administrator held a public hearing to consider recommending approval of the project to the City Council (see Attachment 3 – Administrative Zoning Meeting, May 27, 2026). No members of the public commented on the project. The Zoning Administrator recommended that the City Council approve the project.

ANALYSIS

General Plan

The site has a General Plan Land Use Designation of Medium-High Residential (26 to 35 dwelling units per acre maximum density) with a height guideline of up to three stories. 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 3.1: Land use and transportation. Focus higher land use intensities and densities within a half-mile of public transit service, and along major commute corridors.

The proposed project is a residential development that provides medium-high density (26-35 DU/acre) residential development near transit as the site is within one-half mile of the Mountain View Caltrain and Santa Clara Valley Transportation Authority (VTA) stations.

- 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 it is an 11-unit multi-family apartment building with two ADUs, inclusive of one very low-income unit, and seven low-income 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 within the General Plan's allowable density range and height guideline. The project fosters the appearance of a two-story building by incorporating the third floor into the roof gables and uses traditional building materials to further compatibility with the residential neighborhood.

- LUD 7.5: Compatible uses and design. Ensure compatible uses and building design Downtown along the boundaries between residential and commercial areas.

The proposed project complies with this policy since the proposed building is consistent with prescribed height limits and incorporates design elements to provide the appearance of a two-story building to better serve as a transition between the commercial downtown district and the surrounding residential neighborhoods to the west.

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

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

The project will provide 13 housing units (including the two ADUs), which contribute to the City's RHNA requirements. Additionally, the project proposes additional residential units near transit as the site is within one-half mile of Caltrain and VTA light-rail stations.

- Policy 2.7: Encourage and support the maintenance/preservation and development of affordable housing that serves low-income households, seniors, individuals with developmental, intellectual, or physical disabilities, the homeless, seniors, individuals with developmental, intellectual, or physical disabilities, the homeless, larger households, historically underserved communities, and other special-needs populations.

The project will provide one very low-income unit and seven low-income units, supporting the development of affordable housing that serves low-income households.

Zoning

The project site is located in the P(19) Downtown Precise Plan (DTPP) zoning district, specifically the Area B – Franklin Street Residential Transition subarea of the DTPP. The project complies with the DTPP development standards or achieves compliance through waivers and concessions permitted under State Density Bonus Law (SDBL) as described in more detail later in the report. Under the Housing Accountability Act, Government Code Section 65589.5, the use of a density bonus, concession, or waiver pursuant to SDBL does not constitute a valid basis for finding a project inconsistent with the General Plan, Zoning Code, or development standard (Gov. Code, § 65589.5(j)(3)).

Table 1 below compares the project proposal to the DTPP standards.

Table 1: Project Compliance Assessment with DTPP Area B Standards

Standard	Requirement	Proposed
Eave and Building Height (maximum)	Eave height: 22' Building height: 35'	Eave height: 28' (Waiver Requested) Building height: 34'-2"
Floor Area Ratio (FAR) (maximum)	1.1 FAR (or 8,250 sq. ft.)	1.16 FAR (or 8,717 sq. ft.) (Waiver Requested)
Front Yard Setback (minimum)	13'	14'
Side Yard Setback (minimum)	5' 4' (ADU)	Side (North): 10' Side (South): 5' Side (ADU North): 10' Side (ADU South): 4'-2"
Rear Setback (minimum)	15' 4' (ADU)	53'-6" 7'-4" (ADU)
Open Space	50%	23.86% (Waiver Requested)
Landscape	Large specimen trees required in landscaped areas. Minimum 24" box tree size planted in side and rear yard areas for landscape buffer	One large 24" box specimen tree in the rear yard and ground cover (Waiver Requested)
Vehicle Parking	No minimum parking requirement	Two spaces voluntarily provided:

Standard	Requirement	Proposed
		1 EV space 1 ADA-accessible space
Bicycle Parking	Resident ¹ : 1 Class I space per unit (11 spaces) Guest: 1 Class II space per 10 units (1 space)	Resident: 11 Class I spaces Guest: 9 Class II spaces

Proposed Site Plan

The project consists of an 11-unit multi-family apartment building and two detached ADUs with a vehicular entry drive shared with the adjacent multi-family development to the north. The project utilizes a similar site layout to the multi-family building previously on the site, including the entry driveway, and maintains a similar development pattern to other existing multi-family residential developments in the neighborhood.

The primary pedestrian circulation on the site is along the south (right) property line, providing a paved pathway for pedestrian access to the units and bicycle parking. Native landscaping is proposed around the project's south perimeter, and replacement trees are proposed around the project's south and east perimeter to serve as an additional buffer around the site (See Attachment 2 – Project Plans and Figure 2 below).

¹ Bicycle parking requirements do not apply to ADUs per Section 36.12.85 (Provisions applicable to multi-family accessory dwelling units) of the City Code.



Open Space and Landscaping

The proposed project includes approximately 1,789 square feet of open space area, which includes pedestrian walkways and perimeter landscaping along the south and east property lines, one large 24" box specimen tree at the rear of the property, and native species groundcover. The design of the front landscaping is similar to that of adjacent residential properties, further integrating the project into the neighborhood. The proposed trees along the rear property line provide additional shade and privacy between adjacent residences.

As indicated in Table 1, the project does not meet the minimum DTPP requirements for open space or landscaped areas, including large specimen trees. The applicant is requesting two waivers under SDBL, as strict adherence to the landscape requirement would physically preclude the development of residential units at the proposed density.

An arborist report was completed for the project and was peer-reviewed by the City Arborist (see Attachment 4 – Arborist Report). There are two Heritage trees on-site – one Redwood (Tree No. 1) and one Silver maple (Tree No. 2). Tree No. 1 is in poor condition, has overgrown the planting area, is over-mature for the species' lifespan, and is in the footprint of the proposed building. Due to conflicts with the building, it would be infeasible to save the tree as reviewed by the applicant's arborist and confirmed by the City Arborist. Tree No. 2 was assessed as dead.

As part of the landscape plan, the applicant proposes replacing the two existing Heritage trees with four new trees, consistent with the City's recommended 2:1 replacement ratio for Heritage trees. Additionally, the project proposes 99% California-native plantings, exceeding the City

Council’s 75% native landscaping goal. The resulting replacement trees are also anticipated to create a net gain of on-site canopy coverage at full maturity, as shown in Table 2 below.

Table 2: Tree Canopy Coverage

Canopy	Site Coverage
Existing Canopy	12.91%
New Canopy (at-planting)	4.32%
New Canopy (5 years)	8.12%
New Canopy (10 years)	13.37%
New Canopy (maturity)	18.81%

State Density Bonus Law Request

SDBL imposes a mandatory density bonus program (Gov. Code § 65915, *et seq.*) that requires the City to permit the construction of additional residential units and, if requested by the applicant, provide reduced parking standards, regulatory incentives/concessions, and waivers of development standards to applicants that agree to build a certain percentage of affordable housing that meets the statutory criteria (Gov. Code, § 65915(b)(1)).

Although the site is currently vacant, it previously housed a multi-family residential building with eight rent-stabilized units, which was demolished in 2025. State law (SB 330) requires a redevelopment project to build at least the same number of replacement units that existed on this site within the last five years. The eight units that previously existed on the project site met the state’s definition of “protected units” and therefore, must be replaced at the same income levels as the previous tenants: seven units as low-income [80% area median income (AMI)] and one unit as very low-income (50% AMI). In addition, under SDBL (Gov. Code, § 65915(c)(3)), the project is ineligible for a density bonus or any other incentives or concessions unless the proposed housing development replaces the demolished units at specified levels of affordability. The replacement of the eight units satisfies the requirements in SB 330 and SDBL.

The base density for this site is seven units based on the site acreage and the greatest allowable density of 35 units per acre per the General Plan’s Medium-High Density Residential land use designation. The project proposes to deed-restrict seven units for households at or below 80% of Area Median Income. By providing at least 24% of the base density of seven units, the project qualifies for a 50% density bonus per Government Code Section 65915(f)(1). The applicant is opting to use the 50% density bonus, which results in four additional units, totaling 11 primary residential units. The two proposed ADU units do not count towards allowable density per Government Code Section 66314(c).

Additionally, the project is eligible for three concessions or incentives (modifications to development standards or regulations that result in identifiable and actual cost reductions to

provide for affordable housing costs) and unlimited waivers or reductions of any development standards that physically preclude the construction of the development at the permitted density.

The eight overall affordable units proposed in the project satisfy the eligibility requirements for SDBL, and both the City's Below-Market-Rate Ordinance and the state's SB 330 replacement requirements, as these requirements may be fulfilled by the same units.

Concession

The applicant is requesting one concession to locate the low-income, two-bedroom BMR unit and one of the four one-bedroom BMR units in the detached ADU building in lieu of locating all the BMR units in the multi-family building as is required by the City's BMR Ordinance. According to the applicant, having all BMR units located in the primary building will require dedicating a larger two-bedroom unit in the primary building with greater square footage than could be built in the ADU building. The applicant's density bonus letter states that the concession to locate all BMR units in the primary building will provide identifiable, actual cost reductions for the project and ensure its financial feasibility (see Attachment 5 – Density Bonus Request Letter).

Waivers

The applicant is requesting five waivers from applicable development standards, most of which are noted in Table 1. The waiver requests are summarized below and outlined in Attachment 5 - Density Bonus Request Letter. The letter includes details on how these standards, if applied to the project, would physically preclude the construction of the development at the proposed density.

The five waivers requested are:

1. Minimum open space requirement.
2. Maximum floor area ratio (FAR).
3. Minimum landscaping planting requirements.
4. Maximum building eave height.
5. Minimum trash enclosure dimensions per the City's Solid Waste Collection Design Guidelines.

Below-Market-Rate Housing

The proposed project aligns the affordable housing obligations under Mountain View's BMR requirements (City Code Section 36.40.10), SDBL, and SB 330 replacement requirements (Gov. Code § 66300.6). As such, this project complies with local and state requirements and delivers units that exceed certain local requirements while fulfilling state mandates.

Satisfaction of these various requirements may be achieved by adhering to the strictest of the requirements. Table 3 (below) summarizes the three regulations that impact the number of units and affordability levels, as well as the project’s compliance with the requirements.

Table 3: Local and State Regulations - Affordable Unit Compliance

Standard	BMR Ordinance	State Density Bonus Law	SB 330	Developer Proposal	
Affordable Units	15% of base units (1.05 units)	10% of base units (1 unit, all fractional calculations are rounded up)	Replace Protected Units (<u>8 units</u>)	8 units	Meets Requirements
Area-Median-Income (AMI)	Min. two income levels with 65% AMI weighted average	5% of base units at 50% AMI or 10% of base units at 80% AMI	1 unit at 50% AMI 7 units at 80% AMI	1 unit at 50% AMI 7 units at 80% AMI	Meets Requirements

The project exceeds the City’s BMR Ordinance requirements by providing eight BMR units and also meets affordability requirements of the City’s BMR Ordinance and SDBL, particularly through its provision of more deeply affordable units to satisfy SB 330 replacement unit requirements.

Below-Market-Rate Ordinance

The City’s BMR Ordinance requires the project to provide 15% (or 1.05 units) of the base density units as affordable. The City’s BMR Ordinance allows its requirements to apply in conjunction with the SDBL, provided that the affordable units meet the more stringent standards of either the City’s BMR Program requirements [City Code Section 36.40.10(i) (Density bonus)] or SDBL. While the Ordinance typically requires a distribution of units across two income levels, this standard applies to projects that provide multiple BMR units. In cases such as this project, where the requirement results in a fractional obligation that is satisfied by a single unit, the dual-income level requirement cannot be practically applied. Accordingly, the City implements the requirement by applying the most restrictive applicable affordability standard to the single unit.

The AMI thresholds set by the applicable state laws are lower than those required by the City, and the applicant’s proposal therefore exceeds the state’s affordability standard. In this case, the Area Median Income (AMI) thresholds established by State law are lower (50% AMI) than those required under the City’s BMR Program. Therefore, the project’s affordable units are provided at the deeper affordability level consistent with State law, and the applicant’s proposal meets and exceeds the applicable requirements.

Proportionality Unit Size and Location

The BMR Ordinance requires that affordable units be proportional in bedroom count and square footage relative to the overall project and reasonably dispersed throughout the development [City Code Section 36.40.10(f)]. The applicant proposes a total of eight BMR units, with six located in the main building and two within an ADU. Table 4 summarizes the proposed distribution of BMR units by bedroom count compared with the ordinance requirement.

Table 4: Unit Type Distribution

Unit Size	Total Units	Required by Ordinance	Project Proposal
Studio	3	3	3
1 bedroom*	6	4	4
2 bedroom*	2	1	1

* Includes ADU unit being proposed as a replacement unit. This project includes variations in unit-square-footage within each bedroom category, based on the plan set submitted by the applicant (Attachment 2). Table 5 provides the breakdown of unit types by average square footage and the proposed allocation of BMR units.

Table 5: Unit Size by Square Foot

Unit Type	Average Square Feet	Total Units	Developer Proposed BMR Units	Required by BMR Ordinance
Studio	350	1	1	1
Studio	360	2	2	2
1 bedroom	584	1	1	1
1 bedroom	624	1	1	1
1 bedroom	707	2	1	1
1 bedroom	715	2	0	1
2 bedroom	1,174	1	0	0
2 bedroom	1,243	1	0	1
1 bedroom (ADU)	666	1	1	0
2 bedroom (ADU)	807	1	1	0

The applicant is utilizing one SDBL concession to allow two BMR units to be located within both ADUs, as doing so results in an identifiable, actual cost reduction necessary to maintain the project's financial feasibility. The two-bedroom ADU is smaller than a comparable unit in the

main building. Locating the BMR unit in the main building would increase its square footage, thereby increasing overall construction and infrastructure costs. The additional costs and associated revenue impacts would undermine the project's financial feasibility at the proposed density with affordable units. Allowing this flexibility enables the project to maintain full replacement of BMR units while meeting overall affordability requirements. Pursuant to SDBL, the use of this concession for the City's proportionality and location requirement cannot be considered an inconsistency with applicable BMR objective standards.

SB 330 Replacement Requirements

The eight units that previously existed on the site were rent-stabilized units under the City's Community Stabilization and Fair Rent Act (CSFRA). Rental units that are subject to rent control within the past five years are considered Protected Units under SB 330 and are subject to replacement requirements when the units are demolished.

The base density for this site is seven units based on the site acreage and the greatest allowable General Plan density of 35 units per acre. Since the site's allowable density by the General Plan is less than the minimum replacement units required by SB 330, the applicant is utilizing the SDBL to provide for the eighth replacement unit that previously existed on-site. The applicant is also dedicating one of the four density bonus units granted through SDBL as very low-income (50% AMI) consistent with SB 330 replacement unit requirements.

Per SB 330, the eight protected units must be replaced with units of equivalent size (comparable bedroom count) in the new development. These units must be affordable to households in the same or lower income category as the current or previous tenants. If the current or previous (for vacant units) tenant's household income is unknown, it is presumed that very low- and low-income tenants occupied those units, and the project would be subject to providing the same number of units at the same income limits proportional to that of rental units in Mountain View, as shown in HUD's Comprehensive Housing Affordability Strategy (CHAS) database. All eight Protected Units were vacant when the Planning application was submitted on January 15, 2025. The previous eight units consisted of three studios, four one-bedrooms, and one two-bedroom unit with four known incomes and four unknown incomes.

For the household incomes that are known, two units were at 80% AMI and two were above 80% AMI. The affordability levels for the other four households with unknown income levels are determined using the CHAS data, resulting in one unit at 50% AMI, one unit at 80% AMI, and two units above 80% AMI. SB 330 states that Protected Units with household income levels above 80% AMI will be replaced with units affordable to households at 80% AMI. As such, the AMI replacement requirements for the project are: one studio at 50% AMI, two studio units at 80% AMI, four one-bedroom units at 80% AMI, and one two-bedroom unit at 80% AMI.

Tenant Relocation Assistance and Right of First Refusal

When the Planning application was submitted on January 15, 2025, the previous multi-family building was vacant and did not result in the displacement of any tenants. Therefore, this project is not subject to the relocation assistance or Right of First Refusal provisions of SB 330 nor the City's Tenant Relocation Assistance Ordinance (TRAO) per Section 46.2-2.5 (Displacement related to development and building permits) of the City Code.

The project site was red-tagged for habitability issues in April 2024. Three tenants occupied the units and were displaced after the red tag was issued. At the time of this project application, the TRAO exempted displacement due to a City enforcement order, and no local relocation assistance was required. However, these types of displacements are no longer exempt under the revised TRAO. State relocation requirements apply in the case of a City enforcement order, but the City does not oversee them.

Parking

Vehicular Parking

Per the DTPP, multi-family residential uses are not required to provide parking. Although no vehicular parking is required, the applicant is voluntarily providing two on-site parking spaces: one Americans with Disabilities Act (ADA)- accessible and one electric vehicle (EV) parking space. The two parking spaces are proposed at the ground level below the two-story ADU located at the rear of the site.

Bicycle Parking

Per the DTPP, bicycle parking is required only when vehicular parking is provided on-site. Although the project is not required to provide vehicular parking, the applicant is voluntarily providing it and is therefore required to provide on-site bicycle parking.

The project proposes nine short-term, Class II (guest) bicycle parking spaces outside at the rear of the project site (between the main residential and ADU building). Additionally, 11 long-term Class I bicycle parking spaces (based on the requirement of one space per unit) have been included as a Condition of Approval to be located in the storage room below the ADUs. The project exceeds the Class I bicycle parking minimum standard and meets the Class I long-term bicycle parking standard.

Transportation

Multi-Modal Transportation Analysis (MTA)

On June 30, 2020, the City Council adopted a Citywide Vehicle Miles Traveled (VMT) analysis methodology for development projects that require transportation analysis 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 one net new AM trip and one net new PM trip. Based on the total net new trips generated, an MTA is not required for this project as the number of estimated net new trips was below the threshold indicated in the MTA Handbook.

Vehicle Miles Traveled (VMT)

The project proposes a new 11-unit multi-family residential building and two detached ADUs. Per the City's MTA Handbook, this project qualifies as a "Very Small Project" as a multi-family residential development with 20 units or less and is therefore screened out from additional VMT analysis.

Streetscape

The project is part of the DTPP, however, the DTPP does not have designated streetscape design. The project proposes a 14' wide detached sidewalk with a 7' wide planter strip, 5' wide sidewalk and 2' wide landscaping along Franklin Street. The planter strip serves as a landscape buffer between the roadway and the public sidewalk.

The project also maintains a single 20' wide shared full-access driveway along Franklin Street for access to the project site and the adjacent property to the north. The driveway will be secured with an automatic gate that will be shared with the adjacent multi-family property.

Green Building

The project is subject to the Mountain View Green Building Code (MVGBC), which requires new multi-family developments with three or more units to be designed and constructed to meet mandatory CALGreen and MVGBC requirements and to meet the intent of LEED® Gold Certification.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines, and none of the exceptions in Section 15300.2 apply. 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 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, including but not limited to electricity, sanitary sewer facilities, storm drain facilities, and water, because the project is located in an urbanized area surrounded by residential and service uses where such utilities are already present and available for the project.

The project met the City’s VMT policy screening criteria based on the very small project designation as the project is a multi-family residential development with 20 units or fewer. The project is, 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 \$3,500 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 \$4,500 per year, resulting in total annual property tax revenue of approximately \$8,000. The project would also be subject to applicable City development impact fees, including water and sewer capacity charges and transportation impact fees.

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

This project is consistent with applicable development standards; achieves General Plan and Housing Element goals by increasing the quantity of market-rate and affordable housing opportunities in the City; helps the City meet its RHNA requirements; and is in compliance with applicable provisions of the DTPP with the use of SDBL provisions, which permit the increased density, waivers and concessions. Therefore, staff recommends approval of the proposed project subject to the conditions of approval.

ALTERNATIVES

1. Approve the project with modified conditions of approval.
2. Deny the project based on specific findings required by state law.

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 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 (Notice of hearing).

Prepared by:

Vinson Kwan
Associate Planner

Phillip Brennan
Senior Planner

George Schroeder
Planning Manager

Reviewed by:

Amber Blizinski
Assistant Community Development Director

Approved by:

Christian Murdock
Community Development Director

Kimbra McCarthy
City Manager

- Attachments:
1. Draft Project Resolution
 2. Project Plans
 3. [Administrative Zoning Recommendation Hearing of May 27, 2026](#)
 4. Arborist Report
 5. Density Bonus Request Letter