



Mountain View Voice

HOUSING

Mountain View reluctantly approves seven-story builder's remedy project

City Council backs 80-unit condo development despite community objections



by **Emily Margaretten**

6 hours ago



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A developer is proposing to build a seven-story condominium development on a nearly half-acre site at 294 and 296 Tyrella Ave. in Mountain View. Photo by Anna Hoch-Kenney.

A **contentious** seven-story builder's remedy project in Mountain View is on the path to getting built after clearing a final hurdle of approval from the city Tuesday evening.

In a 6-1 vote, the City Council approved an 80-unit condo development on Tyrella Avenue, despite expressing misgivings about its fit with the neighborhood and the developer's reluctance to address community concerns in its plans.

Council member John McAlister cast the dissenting vote at the April 8 meeting.

Forrest Linebarger of Tower Investments is proposing to build a seven-story residential complex on a 0.48-acre site, replacing a vacant lot and single-family home at 294 and 296 Tyrella Ave.

The application was submitted at a time when Mountain View did not have a compliant housing element, and qualifies as a builder's remedy project under state law, as it includes 20% of the residential units as affordable for lower-income families.

The project can skirt local zoning regulations under the provisions of builder's remedy, a situation that the developer is capitalizing on by proposing to build at a much greater density than what is allowed for the neighborhood, which largely consists of single-family homes and two-story apartment buildings. The development standards for the property allows for a maximum of 17 units, rather than the 80 proposed.



A developer has proposed to build a seven-story, 80-unit condo development that includes a three-level parking podium at the corner of Tyrella Avenue and Middlefield Road. Rendering courtesy city of Mountain View.

The City Council ultimately approved the project, citing the need to comply with state housing law, but also expressed dismay about the developer's resistance to involve the community or the city in its plans.

"I'm not happy with this project. I don't think that it fits into our community well for any number of reasons or fits Mountain View

values,” said Council member Alison Hicks.

Linebarger pushed back on these characterizations, saying he met with neighborhood residents and shared the project plans with them about two years ago. According to Linebarger, residents asked him to reduce the density of the project and remove the low-income units while increasing parking.

“We did end up reducing the project size by 6% to 80 units, and we also implemented a number of transportation management plans,” Linebarger said, adding that he also met with a small group of residents in November.

The project includes 83 parking stalls as well as 144 long-term bicycle parking and 10 short-term spaces.

About a dozen community members spoke out against the project at the April 8 meeting urging the council to not approve it. They expressed concerns about the building’s height and density, which they said was out of character with the neighborhood. They also focused on the strain that would be put on street parking, traffic safety and existing infrastructure developments.

Several community members implored the council to litigate builder’s remedy so the project could not move forward.

“Like Frankenstein whose quest for immortality created a monster, I believe this builder’s remedy act has created a monster in our midst,” said Mountain View resident Ivan Linscott, urging the council to challenge the legislation. “I know your reluctance to actually open that door but what do we really have as a viable option?” he asked.

Public support for the project was in the minority at the council meeting, although the proposal did receive endorsements in written comments from Mountain View YIMBY members, a prohousing group. They emphasized the need for more affordable housing as well as the project’s proximity to public transit and major job centers.

Nonprofit housing advocacy groups like YIMBY Law and the California Housing Defense Fund also submitted letters of support, urging the city to approve the project without imposing conditions that would make it infeasible. Otherwise, the city would run the risk of litigation, the letters said.

“Of the city’s over 200 conditions, we’re only having an issue with four of those conditions to make this project feasible,” Linebarger said.

The expiration date for permits was a major sticking point for Linebarger, who argued for an extension of the timeline.

“We’ve got razor thin margins on a project like this. We are in uncertain economic times. The cost of labor is very, very high right now because the interest rates are historically very, very high, and we have a lot of uncertainty right now in the financial markets. It takes more time,” Linebarger said.

The City Council did not budge, noting that projects in the past have been given extensions when needed.

“To the best of my knowledge, there has not been denial for a permit extension at least since I’ve been observing local government,” Council member Lucas Ramirez said.

According to City Attorney Jennifer Logue, seven projects in the past five years similar to Tyrella have pulled permits within the city’s designated timeframe of two years, not including the possibility of a two-year extension. It demonstrates feasibility, Logue said.

Council member McAlister expressed particular concern about the issue of determining what is infeasible, remarking that it is undefined by the legislature and therefore too ambiguous to ascertain.

“I do not want this to go forward until we get clarity on what’s required because cities are required to be very clear what they’re doing, but the state legislature isn’t giving us that ability to interpret it,” McAlister said.

Council members expressed support for the community’s push to engage in advocacy efforts to reform builder’s remedy but noted it would not impact the Tyrella project from moving forward.

“We are caught with this penalty but that doesn’t mean, as you’ve all suggested, that we should stop advocating, far from it,” said Council member Pat Showalter. “We do need to talk and are talking with our legislators about what’s wrong with this and what can be changed. But that’s for future cycles.”



Two towns over

5 hours ago

Build, baby, build! Love it. Build build build. Can’t build enough. Residents welcome. Let’s keep it going MV.



LongResident

3 hours ago

With the likely recession, 4 years wouldn’t be enough! This project is a turkey and residents won’t choose to live there at the kind of rents that are hoped for. That makes it even more infeasible than Linebarger realizes. Jobs going away from the local area will be a solution to lack of housing.



Ramirez

3 hours ago

This is a good example of YIMBY not representing the views of local interests. Their letter isn't worth the paper it's printed on. Oh wait, it wasn't even printed!

While YIMbY has their hearts in the right place, who are they to impose their values on our local community. In this case they went squarely against what the community wanted.

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