5150 El Camino Real MOD22-0003

August 23, 2022

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RENGSTORFF AVE
EL CAMINO REAL
APARTMENT BUILDING A
APARTMENT BUILDING B
TOWNHOMES
TOWNHOMES
DISTEL DR
MARICH WAY
CASITA WAY
SOLANA CT

Background - City Council Approval

- **Project Description** - The project included the development of two five-story condominium buildings along El Camino Real with 172 units and two three-story townhouse buildings along the rear with 24 condominium units.

- **Previous Approval** - On December 10, 2019, the City Council approved resolution No. 2019-43 making the findings to:
  - Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting program consistent with the California Environmental Quality Act, and
  - Approved the design review, use permit and subdivision applications for a new 196-unit multiple-family development at 5150 El Camino Real.

- **Density Bonus Approval** - The approved project included 28 affordable units, with 12 moderate and 16 very-low – income units
  - A 35 percent density bonus
  - Concession 1: An on-menu development concession to allow the project to exceed the maximum height limit of 45 feet by 11 feet (on-menu) and
  - Concession 2: A six-inch reduction in the required parking stall width in the underground garage,
  - A waiver for a reduced percentage of landscaping in the front yard setback area.

Current Project

The project before the City Council is the following:

1. **Vesting Tentative Map**

   The City must grant a Vesting Tentative Map from one lot for condominium purposes into a two-lot subdivision.

   - Lot 1 includes the two five-story buildings along El Camino Real with 172 rental units
   - Lot 2 will include the townhouse buildings with 24 units.

2. **Density Bonus**

   The City must grant a 35 percent density bonus to modify the previously approved project to 29 low-income affordable rental units (or 20% of the 145 base units).

3. **Existing Concessions and Waivers**

   The City must maintain the existing development concessions and waivers it is eligible under State Density Bonus Law and the Los Altos Municipal Code.

4. **Proposed Development Waivers**

   The City must grant a new development waiver from the 75-foot site frontage requirement for Lot 2.

   - State law requires that wavers be approved unless specific findings can be made.
   - No evidence currently in the record to make the findings for denial, i.e.,

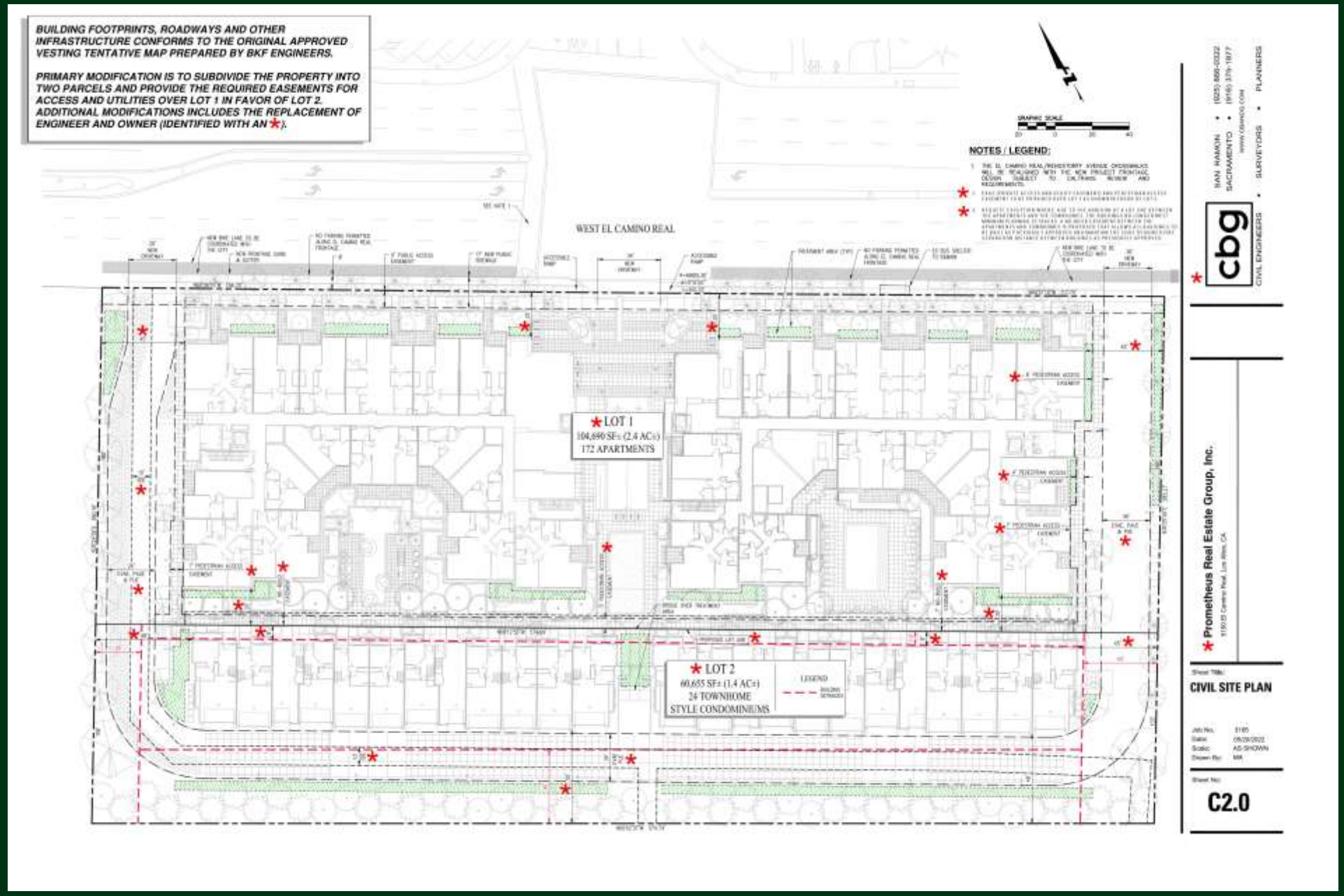
The applicant is not requesting to modify the design or use of the building. Therefore, the City Council is not considering a modification to the previously approved Design Review and Use Permit.

Planning Commission

The Planning Commission held a public hearing on June 16, 2022, to consider the vesting tentative subdivision map and state density bonus approval request.

1. Recommended the Council approve the Vesting Tentative Subdivision Map, Inclusionary Housing, and State Density Bonus Modification (MOD22-0003) for a 196-Unit Multiple-Family Development at 5150 El Camino Real; Motion approved 5-0.

Vesting Tentative Map



VESTING TENTATIVE MAP

The City Council must grant a Vesting Tentative Map from one lot for condominium purposes into a two-lot subdivision, unless the following findings cannot be made by the City Council:

- The Subdivision Map act requires approval if the proposed subdivision is consistent with the General Plan.
- The Subdivision Map act requires approval if the site is physically suitable for this type and density of development and the project meets all applicable Zoning requirements
- The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife
- The design of the subdivision or type of improvements is not likely to cause serious public health problems
- The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision

Phased Construction Conditions

To address the applicant's request to modify phasing for marking and eliminate phasing of the development, the following revised conditions has been proposed in the Resolution:

5. Phased Parking

Once construction is initiated by the developer, there shall be continuous progress without phasing of the development. The project shall provide the resident and guest parking spaces required for the rental and townhouse units ~~The project shall provide the resident and guest parking spaces required for the condominium and townhouse units developed during each phase of the development and shall provide such spaces, if not available in the underground garage, at a paved location on-site where the parking spaces and drive aisles are adequately delineated. A phase of development not completed will be developed as activated space within 12 months of certificate of occupancy.~~

6. Phase Development

Once construction is initiated by the developer, there shall be continuous progress without phasing of the development. ~~If a phase of development is not completed, the undeveloped area shall be developed as activated space within 12 months of the certificate of occupancy.~~

Pedestrian Access Easement

33. Pedestrian Access Easement

The applicant shall dedicate to the public ~~the portion of~~ the public sidewalk along the El Camino Real frontage that is on the project site to the City of Los Altos for use as a pedestrian access easement, and a private access easement along the east and west side of the two-five-story buildings and along the townhouses for use as a private pedestrian access easement. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos and private easement in accordance with the CC&Rs for the project.

34. No Build Easement

The applicant shall record a seven-foot wide no build easement for along the south property line of Lot No. 1 above grade over which no buildings shall be constructed.

35. Emergency Vehicle Access Easement

The applicant shall dedicate the roadway along the east and west side of the two-five-story buildings and along the townhouses to the City of Los Altos for use as an emergency vehicle access easement. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos.

DENSITY BONUS AND NEW WAIVER

CALCULATION

- Lot Size: 3.8 acres
- Per General Plan the Maximum Density allowed is 38 3u/acre = 145 units
- Per Los Altos Municipal Code for Required Affordable Housing for Rental Units = 20% or 29 units (145 units x 20%)
- 20% Low Income Units are required to qualify for the 35% State Density Bonus and 2 incentives

PROVIDED AFFORDABLE UNITS

Project Date	Very Low Income	Low Income	Moderate Income	Total Affordable Units
12/10/2019	16		12	28
8/23/2022		29		29

- 145 Units + 35% State Density Bonus = 195.75 units (rounded to a total of 196 units)

REQUESTED NEW WAIVER

- A request to waive the requirement for a 75-foot site frontage, which is required per Section 14.28.046© of LAMC.

Granting a Waiver

The City must grant a requested waiver or development standard reduction unless it can make one or more the following findings:

- The waiver or reduced development standard would not have the effect of physically precluding the construction of a development meeting the criteria of this section at the densities or with the incentives permitted under this section.
- The waiver or reduced development standard would have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- The waiver or reduced development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- The waiver or reduced development standard would be contrary to state or federal law

AFFORDABLE UNIT DISTRIBUTION

Condominium Units			
		Approved 12/10/19	Proposed
Affordable	1-bedroom	8 Very Low	14 Low
		4 Moderate	
	2-bedroom	8 Very Low	15 Low
		4 Moderate	
Market Rate	1-bedroom	68	66
	2-bedroom	77	75
	3-bedroom	2	2
Total		172	172

Townhouse Units			
		Approved 12/10/19	Proposed
Affordable	2-bedroom	2 Moderate	-
	3-bedroom	1 Moderate	-
Market Rate	2-bedroom	2	4
	3-bedroom	15	16
	4-bedroom	4	4
Total		24	24

AFFORDABLE UNIT SIZE

MARKET RATE UNITS

Rental Units:

UNIT TYPE	Quantity	SF	Unit Mix	Total SF
A1	36	777	55%	27,972
A2	0	0	0%	0
A3	1	874	1%	874
A4	29	1,015	44%	29,435
Total 1-bedroom units	66	3,426	100%	59,041
B1	8	1,135	10%	9,080
B2	3	1,299	4%	3,897
B3	13	1,347	17%	17,511
B4	5	1,292	7%	6,640
B5	19	1,350	25%	25,650
B6	7	1,520	9%	10,640
B7	8	1,486	11%	11,888
B8	5	1,322	7%	6,610
B9	3	1,474	4%	4,422
B10	4	1,403	6%	5,612
Total 2-bedroom units	75	13,628	100%	101,950
C1	1	1,923	50%	1,923
C2	1	2,030	50%	2,030
Total 3-bedroom Pent unit	2	3,953	100%	3,953
Total	143	21,007	100%	164,944

BELOW MARKET RATE UNITS – LOW INCOME

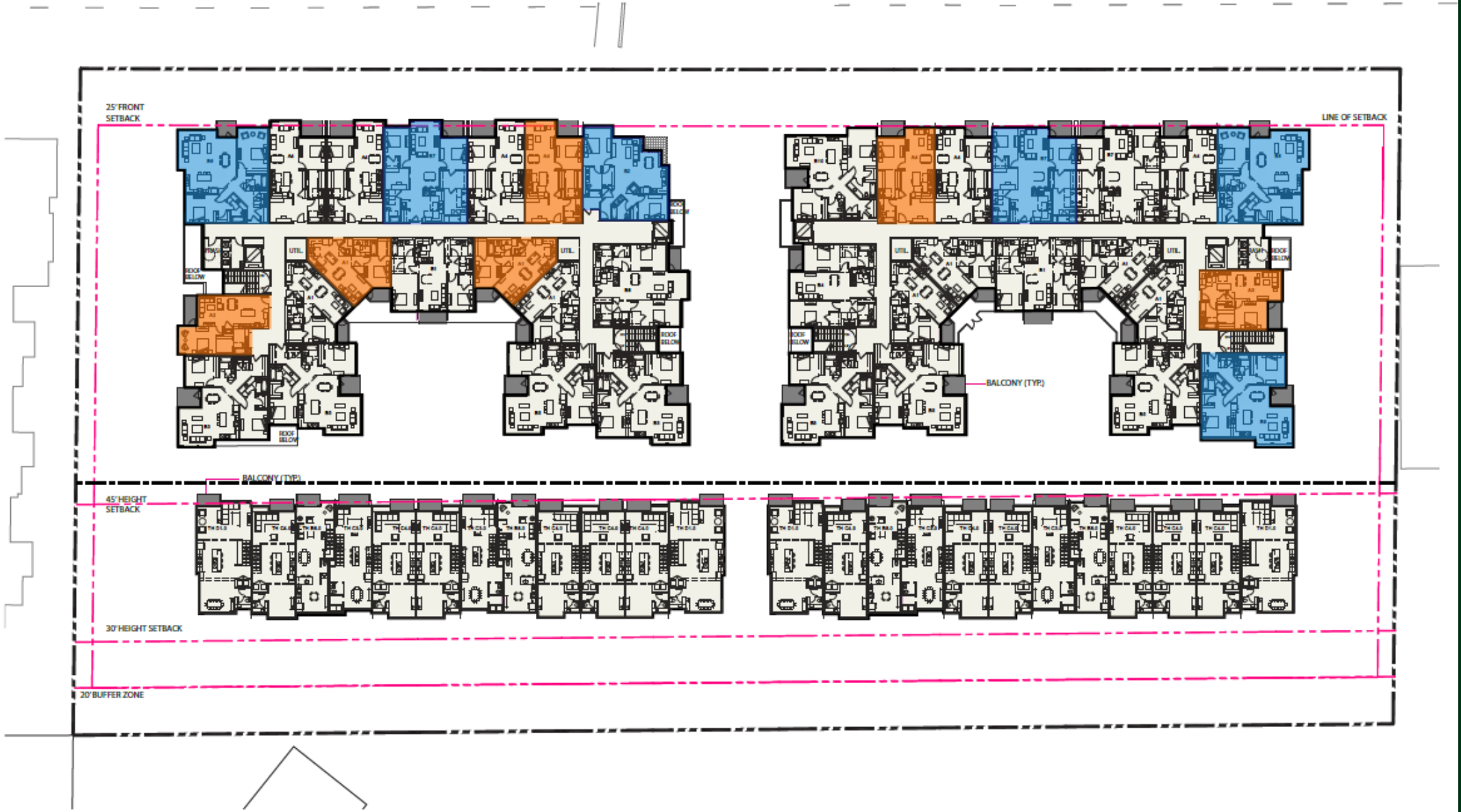
Rental Units:

UNIT TYPE	Quantity	SF	Unit Mix	Total SF
A1	2	777	13%	1,554
A2	4	877	29%	3,508
A3	4	874	29%	3,496
A4	4	1,015	29%	4,060
Total 1-bedroom units	14	3,543	100%	12,618
B1	2	1,135	13%	2,270
B2	1	1,299	7%	1,299
B3	1	1,347	7%	1,347
B4	0	0	0%	0
B5	0	0	0%	0
B6	3	1,520	20%	4,560
B7	6	1,486	40%	8,916
B8	0	0	0%	0
B9	2	1,474	13%	2,948
B10	0	0	0%	0
Total 2-bedroom units	15	8,261	100%	21,340
Total	29	11,804	100%	33,958

Low Income Rental
Units: (14) 1 - BED
(15) 2 – BED
Total Units:29

AFFORDABLE UNIT DISTRIBUTION

LEVEL 2 PLAN

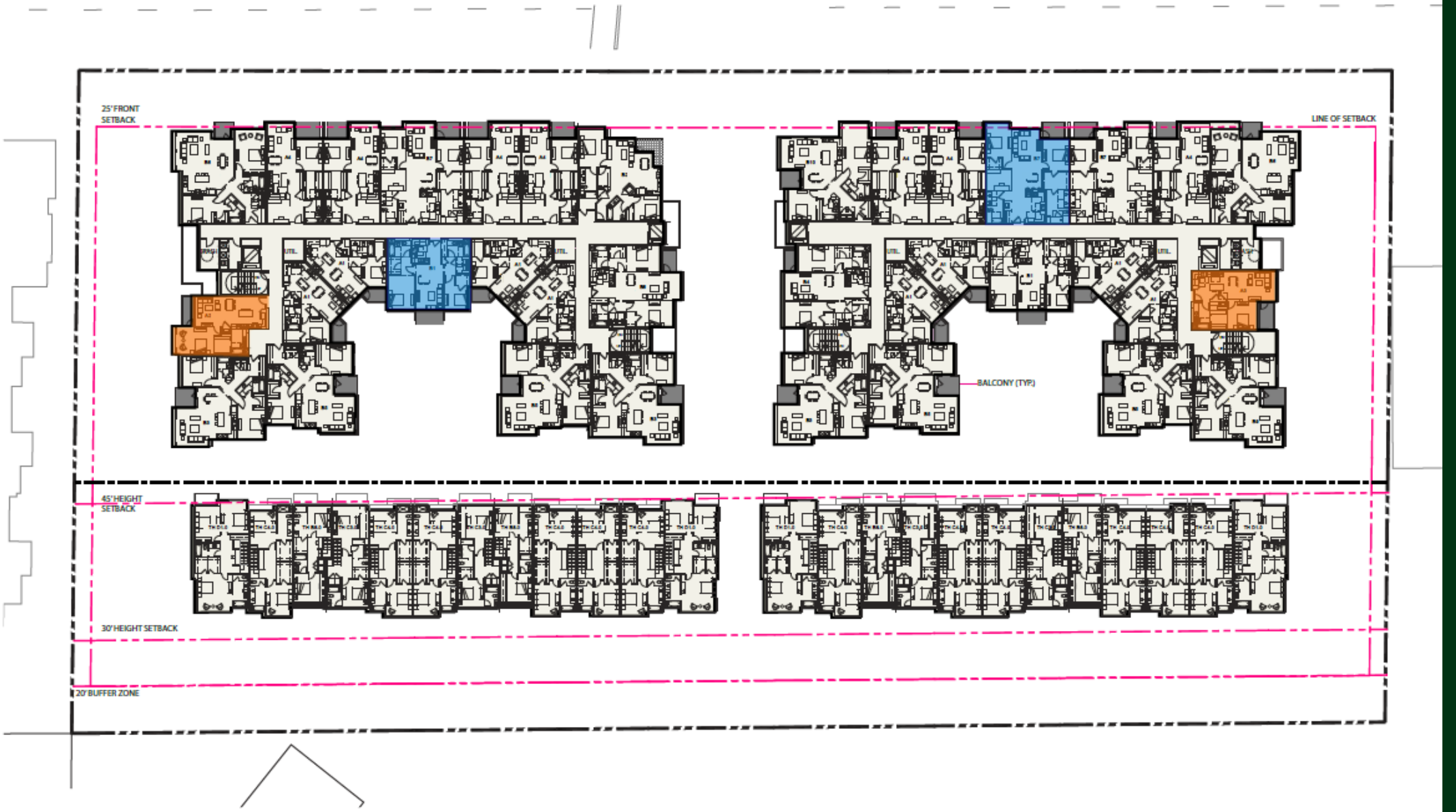


AFFORDABLE UNIT ALLOCATION

1-BEDROOM AFFORDABLE UNIT

2-BEDROOM AFFORDABLE UNIT

LEVEL 3 PLAN

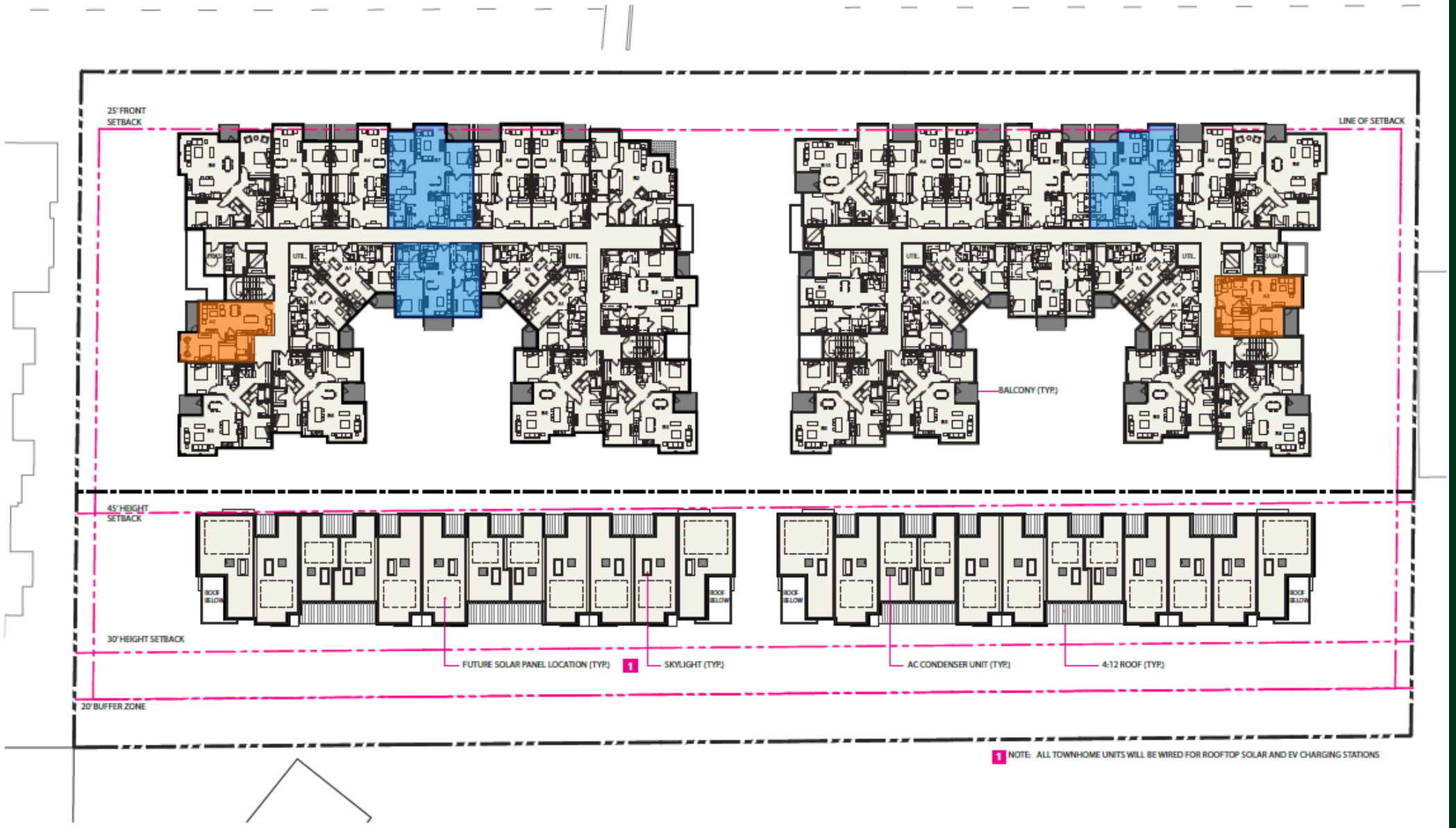


AFFORDABLE UNIT ALLOCATION

1-BEDROOM AFFORDABLE UNIT

2-BEDROOM AFFORDABLE UNIT

LEVEL 4 / TOWNHOME ROOF PLAN

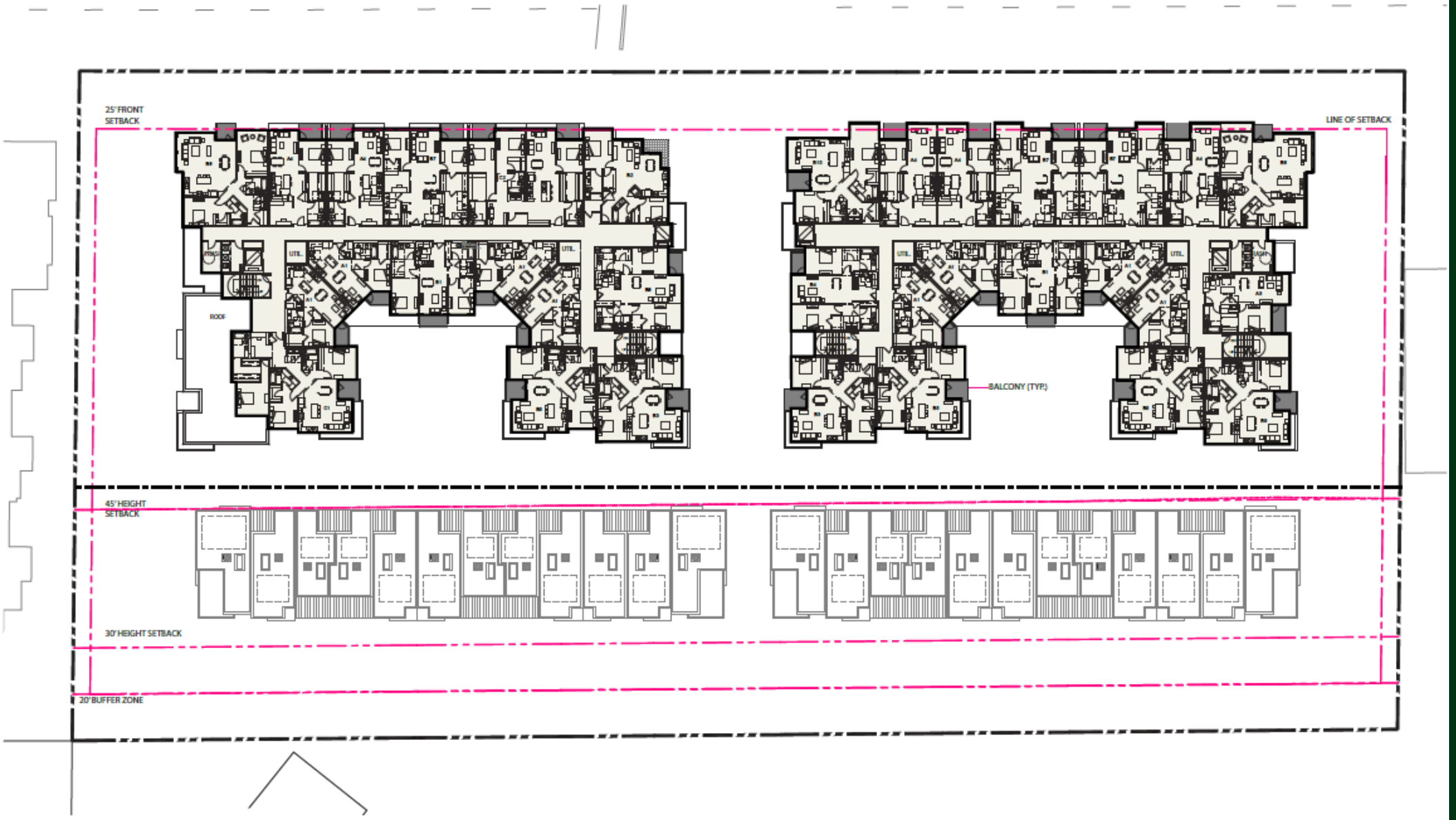


AFFORDABLE UNIT ALLOCATION

1-BEDROOM AFFORDABLE UNIT

2-BEDROOM AFFORDABLE UNIT

LEVEL 5 PLAN



AFFORDABLE UNIT ALLOCATION

1-BEDROOM AFFORDABLE UNIT

2-BEDROOM AFFORDABLE UNIT

Affordability Conditions

25. ~~Upon completion of first phase of the project (indicated as the townhomes), three townhouses shall not be sold for five years from the date of occupancy and shall be held by an entity controlled by Dutchints Development. If the second or third phase are not initiated within five years from completion of Phase 1, the three unsold townhouse units shall be dedicated as affordable units.~~

40. The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the ~~Community Development~~ Development Services Director and the City Attorney, that offers 29~~8~~ below market rate rental units affordable to low-income households, for ~~an indefinite period~~99 years~~, as defined in Condition No. 2~~. The below market rate units shall be constructed concurrently with the market rate units, shall be provided at the location on the approved plans, and shall not be significantly distinguishable with regard to design, construction or materials. Upon completion of the townhouses on Lot No. 2, five townhouses shall not be sold for five years from the date of occupancy and shall be held by an entity controlled by Prometheus Real Estate Group, Inc. If 172 rental units on Lot No. 1 are not initiated within five years from completion of townhouses, the five unsold townhouse units shall be dedicated as affordable units. If the 172 rental units on Lot No. 1 are initiated within five years from the completion of the townhouses, the condition for five unsold townhouse units be dedicated as affordable will terminate.

~~43. Affordable Housing~~

~~Within 30 days of project approval, the applicant shall enter into a Memorandum of Understanding with a third-party affordable housing developer to use best efforts to explore and effectuate financing options for the purchase and management of up to an additional 58 marketrate units in the Project to be dedicated as affordable rental units~~.

Parkland Dedication

- On December 10, 2019, the City Council required Condition No. 26 in Resolution No. 2022-043 to explore the dedication of land with park and recreational facility improvements to the City. Staff is recommending revisions Condition No. 26.

The applicant and City shall enter into good faith negotiations toward executing a memorandum of understanding (MOU) or Exclusive Negotiating Agreement (ENA) prior to issuance of the project's first building permit by ~~January 31, 2022 that.~~ The agreement would allow~~s~~ the city and applicant/developer to negotiate the terms of an agreement that will provide a public park at 745 Distel Drive, and ~~The agreement~~ shall:

a. Provide for a "turn key" park and detail the process by which the park design will be developed and approved.
b. Provide for payment to the city of the difference between the total cost of the park and the in-lieu park fee amount that would otherwise be paid.
c. Require the payment of the estimated difference between the total cost of the park and the otherwise required in-lieu fee at the time of issuance of the first building permit for the project.
d. Include an "opt-out" clause.

In the event that an MOU or ENA is not executed by the parties prior to issuance of the project's first building permit, the applicant shall instead pay the applicable in lieu park fee."

Environmental Review

- An Initial Study and Mitigated Negative Declaration (IS/MND) was previously prepared in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Los Altos.

- The MND and Mitigation Monitoring and Reporting Program for the project were adopted for the project by the City on December 10, 2019.

- A subsequent MND is not required under State CEQA Guidelines Section 15162.

Staff Recommendation

- Proposed Vesting Tentative Subdivision Map, Inclusionary Housing, and State Density Bonus Modification (application MOD22-0003) for a 196-Unit Multiple-Family Development at 5150 El Camino Real

If decision for denial, appropriate findings would need to be provided in compliance with State Law(s).

End