



PLANNING COMMISSION AGENDA REPORT

Meeting Date: November 21, 2024

Subject: 4896 El Camino Real - Mixed-Use Development

Prepared by: Jia Liu, Associate Planner

Initiated by: Doheny-Vidovich Partners, Applicant

Attachments:

1. Draft Resolution Approving the Design Review and Conditional Use Permit
2. Draft Resolution Recommending Approval of the Vesting Tentative Map
3. Project Plans
4. Tenant Relocation Plan
5. Density Bonus Report

Recommendation

1. Adopt a Resolution approving a Design Review (D23-0011) and Conditional Use Permit (CUP23-0001) for the construction of a five-story, mixed-use development with 33 residential units, 16,140 square feet of office, and a two-levels of underground parking with a State Density Bonus with waivers at 4896 El Camino Real, per the recommended findings and conditions of approval in the attached resolution; and find the project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) – Attachment 1 to the report.
2. Recommend the City Council adopt a Resolution approving a Vesting Tentative Map (Application No. TM23-0003) for the creation of 34 condominium lots and one common at 4896 El Camino Real, per the recommended findings and conditions of approval in the attached resolution; and find the project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) - Attachment 2 to the report.

Background

Property Description

The project site is located on the southwest corner of El Camino Real and Jordan Avenue within the CT (Commercial Thoroughfare) Zoning District. The site is currently developed with a Jack in

the Box fast-food restaurant with surface-level parking and a single-family residence. The single-family residence is presently tenant-occupied and not occupied by the property owner.

The subject site abuts a five-story, multi-family Residential (The Altan) to the west and a two-story apartment (Los Altos Court) to the south. Across Jordan Avenue to the east is a vacant one-story commercial building and to the north across El Camino Real is a seven-story, office building in the City of Mountain View. The surrounding neighborhood includes a variety of multi-family residential, mixed-use development, and commercial uses.

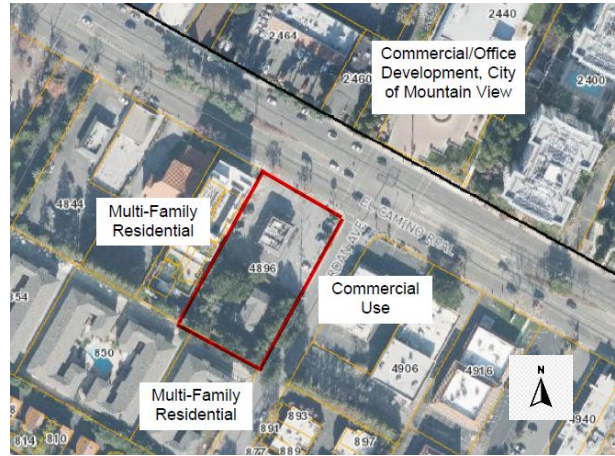


Figure 1: Site Context Map

Preliminary Project Review

The applicant applied for an SB330 preliminary application on June 15, 2023. Pursuant to the Housing Crisis Act (SB 330), submittal of a preliminary application allows the applicant to “freeze” the applicable fees and development standards as of the submittal date (hereby referred to “Effective Zoning Standards” in the staff report), provided the applicant submits a formal application within 180 days of the preliminary application submittal and maintains a substantially consistent project scope. On December 7, 2023, the developer applied for entitlement applications with a substantially consistent scope. Therefore, applicable City standards are those in effect as of June 15, 2023, and the analysis within this staff report is based on these Zoning Standards in effect at that time.

Per Zoning Standards in effect, Chapter 14.78 and Chapter 14.50, the project is subject to a design review application, use permit, and tentative map application for the mixed-use development.

Project Overview

The project proposes to demolish the existing restaurant and single-family residence to construct a five-story, approximately 97,487-square-foot mixed-use building. The new development will feature thirty-three (33) multi-family residential units, 16,140 square feet of office space on the ground and a portion of the second floor, and a two-level underground parking garage. The residential component consists of eleven (11) two-bedroom units and twenty-two (22) three-bedroom units, including four (4) affordable two-bedroom units and one (1) affordable three-bedroom unit (see Attachment 3 – Project Plans).

The project features a contemporary architectural design incorporating a cement plaster exterior finish with stone veneer and metal panel accents, metal awnings, and stainless-steel balcony railings. The ground floor will be activated by a 10,932-square-foot office space at the corner of El Camino Real and Jordan Avenue. Additional ground floor elements include a residential lobby,

mail room, electrical room, trash room, eight (8) parking spaces, and a driveway ramp leading to the underground parking garage.



Figure 2: Perspective View from Jordan Avenue

The second floor features a mix of uses, with a 5,208-square-foot office space, six (6) residential units, a health & wellness room, and common deck area with landscaped planters. The third through fifth floors will accommodate the remaining twenty-eight (28) residential units, arranged in a U-shape to create an open-air courtyard with views along Jordan Avenue.

Site circulation includes two (2) pedestrian entrances, one (1) along El Camino Real and another along Jordan Avenue, with vehicular access provided from Jordan Avenue. A pedestrian walkway will be incorporated into the rear and interior side yards, featuring two (2) built-in benches and improved landscaping.

The project provides a total of (111) vehicular parking spaces and seventy (70) bicycle parking stalls. The ground level will accommodate eight vehicular spaces, including one accessible space and a designated loading zone, along with ten (10) short-term bicycle parking stalls, four (4) of which will be located outside the structure near the Jordan Avenue entrance. The remaining (103) vehicular spaces and sixty (60) long-term bicycle parking stalls will be located within the two-level underground parking garage.

There are eighteen (18) existing trees on the project site, of which seventeen (17) trees are protected trees including one (1) Chinese photinia, one (1) Olive, one (1) California pepper and fourteen (14) Coast Live oak trees. Additionally, there are two (2) Chinese Pistache offsite trees located within the public right-of-way, with one (1) of them being a protected tree. In total, fourteen (14) trees including thirteen (13) protected trees are proposed to be removed for the project's construction due to the trees' health conditions or conflict with the grading limit for the proposed basement and building footprint. The remaining trees are four (4) protected Coast Live Oak trees located along the west property line and the two (2) Chinese Pistache street trees facing El Camino Real.

The project will propose eighteen (18) new trees in a variety of tree species along the perimeter of the project site, exceeding the minimum replacement requirement of thirteen (13) trees. In addition

to the proposed new trees and existing protected trees to remain, other site improvements include new sidewalk and gutter installations and enhanced landscaping including a variety of vegetation (tall trees, mid-sized bushes, and ground cover) that will be planted throughout the site.

Analysis

General Plan Consistency

The proposed project is found consistent with the General Plan Land Use Designation of Thoroughfare Commercial (TC) that supports mixed-use development and affordable housing with the ground floor allowing for office, retail, lodging, and personal services. The project proposes a mixed-use development with office and residential uses, including affordable housing units, and is therefore consistent with the land uses envisioned in the General Plan.

The TC Land Use Designation allows for a floor area ratio (FAR) up to 1.5:1. To provide the permissible density, the applicant requested a Density Bonus waiver to increase the FAR to 2.66:1 which is permissible under State Density Bonus Law (Government Code Section 65915).

The project is found aligned with the following General Plan polices:

- LU Policy 1.1: *Maintain flexibility of standards and procedures to accommodate changing trends in retail, housing, and office uses.*
- LU Policy 2.2: *Encourage a variety of residential housing opportunities by allowing residential uses with adequate parking in appropriate commercial areas, including sections of the Downtown area, Foothill Plaza and along El Camino Real.*
- LU Policy 2.3: *Continue to conduct design review of residential and non-residential development applications to ensure compatibility with surrounding property and neighborhoods.*
- LU Policy 4.2: *Encourage mixed-use projects with retail, housing, and/or lodging in addition to retail and office uses.*
- LU Policy 4.3: *Encourage residential development on appropriate sites within the El Camino Real corridor.*
- LU Policy 4.4: *Encourage the development of affordable housing.*

Housing Element Consistency

The project will contribute towards the City's Regional Housing Needs Assessment (RHNA) allocation and is aligned with several goals of the City's recently adopted 6th Cycle Housing Element. The Housing Element Goals 1 and 2 encourage increased housing production and an increased and protected supply of housing affordable to lower-income, and moderate-income households. The project will add thirty-three (33) units to the City's housing stock, two (2) of

which will be dedicated at a very low-income level and three (3) of which will be at moderate-income level.

Housing Element Goal 6 further seeks to promote fair housing and minimize displacement of existing residents. The project will involve the redevelopment of a mixed-use site including an occupied single-family residence. There are three (3) tenants, in two (2) separate households, currently residing in the residence. One (1) household consisting of an adult and a child appears to be low-income, protected tenants; and the other household appears to be a moderate-income tenant. In alignment with California Government Code Section 65589.5 (Housing Crisis Act of 2019, SB330), 7260 (California Relocation Assistance Law), and California Code of Regulations Title 25, when a protected tenant is replaced by a development project, a detailed relocation plan must be prepared by a qualified relocation specialist to provide relocation assistance by the developer. The applicant worked with the Revival Development Services company and prepared a Tenant Relocation Plan (Attachment 4) to detail the relocation assistant program and estimated relocation costs. The Tenant Relocation Plan was posted on the City’s Planning website on October 9, 2024, for 30 days; and staff has not received any comments as of the writing of this report. The relocation plan is consistent with all requirements of the California Government Code.

Zoning Consistency

The project complies with the Effective Zoning Standards of the CT Zoning District, except as modified by waivers pursuant to State Density Bonus Law. An analysis of the project’s compliance with CT Effective Standards is provided in the table below:

CT Zoning District Effective Zoning Standards (Chapter 14.50)			
	<u>Requirement</u>	<u>Proposal</u>	<u>Project Compliance</u>
Density	35 units	33 units	The project complies with Density Bonus Law; additional information provided under “Density Bonus Request” section
Front Setback	25’	20’	Waiver requested; additional information provided under “Density Bonus Request” section
Interior Side Setback	Average setback of 7.5’ with at least 4’.	10’	Project Complies
Exterior Side Setback	Average setback of 15’ with at least 4’.	15’	Project Complies
Rear Setback	40’ for 30’ or less in height and 100’ for over 30’ in height	20’ for the first floor and 34’ for	Waiver requested; additional information

		the remaining floors	provided under “Density Bonus Request” section
Minimum Landscape Buffer	20’ with evergreen trees and shrubs	20 feet with evergreen trees and shrubs	Project Complies
Structures Height	Maximum height of 45’ with a minimum first floor ceiling height of 12’	75.21’ with interior first floor ceiling height of 15’	Waiver requested; additional information provided under “Density Bonus Request” section
Private Open Space	An average of 50 SF	An average of 242 SF	Project Complies
Common Open Space	At least 2,400 SF	2,860 SF	Project Complies
Vehicle Parking Effective Zoning Standards (Chapter 14.74)			
Residential use	<ul style="list-style-type: none"> • Units with 2-bedroom or more: 2 spaces • Units with 1-bedroom: 1.5 spaces • 1 guest parking for every four units <ul style="list-style-type: none"> - Total required: 75 	57 spaces	Project complies with Density Bonus Law parking requirements. Additional information provided under “Density Bonus Request” section.
Office use	1 space per 300 square feet <ul style="list-style-type: none"> - Total required: 54 	54 spaces	Project Complies
Loading Space	1 space with at least 10’ by 25’ with 14’ vertical clearance	1 space	Project Complies
Parking Space Size and back up space	At least 9’ by 18’ for perpendicular parking with 26’ back up space	At least 9’ by 18’ with 26’ back up space for all parking spaces	Project Complies
Bicycle Parking Effective Zoning Standards (Chapter 14.75)			
Residential Use	<ul style="list-style-type: none"> • Short-term (Class-II) bicycle parking: 1 space per 20 units <ul style="list-style-type: none"> - 2 spaces required • Long-term (Class-I) bicycle parking: 1.5 space per unit 	Total provided: 10 short-term (Class-II) bicycle parking spaces and 50 long-term (Class-I) bicycle parking spaces	Project Complies

	- 50 spaces required		
Office Use	<ul style="list-style-type: none"> • Short-term (Class-II) bicycle parking: 1 space per 10,000 SF or at least 2, whichever is greater. - 2 spaces required • Long-term (Class-I) bicycle parking: 1 per 2,000 SF or at least 4, whichever is greater. - 8 spaces required 		

Additionally, the project complies with the City’s Inclusionary Housing Requirements by designating fifteen (15%) percent of total ownership units (5 out of 33 units) as affordable. It should also be noted that the affordable housing units provided to comply with the City’s Inclusionary Housing Requirements may also be used to satisfy the requirements of the State Density Bonus Law.

Objective Design Control Standards for CT Zoning District

In addition to the zoning standards noted above, the project is subject to the City’s Objective Design Control Standards per Section 14.50.170 for the CT Zoning District and Section 14.66.280 for all multi-family and mixed-use projects. With the exception of the Density Bonus Waivers requested by the applicant to deviate from some of the objective standards, the project is found consistent with all objective design control standards. The waivers requested for the objective design control standards are provided under the “Density Bonus Request” section.

Density Bonus Request

The subject site has a gross lot area size of 0.91 acres and a net lot area size of 0.84 acres. This lot area difference is caused by a right-of-way access easement area along Jordon Ave which will be dedicated to the City’s public right-of-way as part of the project. Per the Effective Zoning Standards, the maximum permitted density (i.e., the base density) is thirty-eight (38) dwelling units per net acre. This would result in a base density (i.e., a density without the use of the Density Bonus Law) of thirty-two (32) units for the project site. Per Density Bonus Law, the maximum allowable density is based on gross lot size and not net lot size regardless of any local standard, which for the project site results in a permitted base density of thirty-five (35) units.

The project proposes thirty-three (33) residential units, including two (2) very low-income units and three (3) moderate-income units. Although no additional density is pursued by the developer, due to the five (5%) percent of the very low-income units provided, the project is eligible to Density Bonus Law, subject to one (1) concession, unlimited waivers of development standards, and parking requirements. A Density Bonus Report (Attachment 5) has been provided by the developer, detailing all relevant aspects of the project’s compliance with Density Bonus Law, including requested waivers. No concessions are requested as part of the project.

Requested Waivers

Density Bonus Law allows eligible density bonus projects to request unlimited waivers. Waivers are a reduction in site development standards or a modification of zoning code requirements that would otherwise be required that would have the effect of physically precluding the development, including the affordable units and density bonus units, from being constructed. The project requests waivers from ten development standards, which are described below:

- **Floor Area Ratio (FAR) Standard:** The General Plan limits any mixed-use development on properties designated for Thoroughfare Commercial Land Use to a maximum FAR of 1.5:1. The Project requests a waiver to permit an increased FAR to 2.66:1. To comply with the standard, the project would result in a reduction of the density that the project is permitted to.
- **Maximum Height Standard:** Per Effective Zoning Standards – LAZC Section 14.50.140, the maximum allowable height is forty-five (45) feet. The project requests a waiver to increase the height from forty-five (45) feet to (75.21) feet to top of parapet. To comply with the standard, the project would result in a reduction of the density that the project is permitted to.
- **Required Front Yard Setback Standard:** Per Effective Zoning Standards – LAZC Section 14.50.090, the required front yard setback shall be twenty (20) feet from the front property line. The Project requests a waiver to permit a reduced front yard setback to twenty (20) feet. To comply with the standard, the project would result in a reduction of the subject site’s development area and building envelope and subsequently resulting in a reduction of the density that the project is permitted to.
- **Required Rear Yard Setback Standard:** Per Effective Zoning Standards – LAZC Section 14.50.110, the required rear yard setback shall be forty (40) feet for all structures thirty (30) feet or less in height and (100) feet for all structures over thirty (30) feet in height for any properties abutting a residential district. The Project requests a waiver to permit a reduced rear yard setback to twenty (20) feet for the first floor and thirty-five (35) feet for the remaining floors. To comply with the standard, the project would result in a reduction of the subject site’s development area and building envelope and subsequently resulting in a reduction of the density that the project is permitted to.
- **Building Mass and Articulation Standard:** LAZC Section 14.50.170 B.1 requires a front upper-story setback of at least ten (10) feet from the ground floor façade for stories above forty-five (45) feet in height and a street side upper-story setback of at least ten (10) feet from the ground floor façade for stories above forty-five (45) feet in height. The Project requests a waiver to permit the reduction of required front upper-story setback to zero (0) feet and required side upper-story setback to (8.75) feet for stories above forty-five (45) feet in height. To comply with the front upper-story setback, the project would not meet the Fire Department required aerial access distance of maximum thirty (30) feet for the face of building along El Camino as measured from back of the curb. Also, to comply with the standard, the project would result in a reduction of the subject site’s development area and building envelope and subsequently resulting in a reduction of the density that the project is permitted to.

- Vertical Articulation Standard: LAZC Section 14.50.170 B.2 requires that when a building façade exceeds (100) feet in length along a right-of-way, the façade must be separated into primary façade bays no greater than fifty (50) feet. The Project requests a waiver to permit a reduced primary façade bay to fifty (50) feet and eight (8) inches. To comply with the standard, the project would result in a reduction of the subject site’s development area and building envelope and subsequently resulting in a reduction of the density that the project is permitted to.
- Pedestrian-Scaled Entrances Standard: Per LAZC Section 14.50.170 B.3 and Section 14.77.275 G, when buildings more than seventy (70) feet in length along a right-of-way must incorporate a forecourt frontage that is open to sky on the right-of-way-facing façade. It further requires a forecourt must have a minimum width and depth of fifteen (15) feet. The project requests a waiver to permit a reduction of the forecourt’s depth to four (4) feet facing El Camino Real and three (3) feet and eleven (11”) inches facing Jordan Avenue. To comply with the standards, the project would result in a reduction of the subject site’s development area and building envelope and subsequently resulting in a reduction of the density that the project is permitted to.
- Storefront Facades Adjacent to Storefront Facades Standard: Per LAZC Section 14.50.170. B.4.b, the height of a storefront shall not differ from the height of any adjacent storefront by more than two (2) feet, and the height of a ground story shall not differ from the height of any adjacent ground story by more than two (2) feet. The project requests a waiver to permit the storefront height to be more than two (2) feet compared to the height of the adjacent storefront. To comply with the standard, the project would result in a reduction of the development floor area and subsequently resulting in a reduction of the density that the project is permitted to.
- Ground Floor Floor-to-Ceiling Height Standard: LAZC Section 14.50.170. C.4.a requires that the non-residential ground floor floor-to-ceiling height be a minimum twenty-four (24”) inches taller than the typical upper floor floor-to-ceiling height. The project requests a waiver to permit a reduction of height difference between the ground floor and upper floors to twelve (12”) inches to accommodate areas between floors for utility services that are necessary to serve the project’s residential uses. To comply with the standard, the project would result in a reduction of the density that the project is permitted to.
- Roofline and Roof Design Standards: LAZC Section 14.50.170. B.6.a.v.(b) requires the length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet. The project requests a waiver to permit the parapet wall to exceed the maximum length of twenty-five (25) feet. To comply with the standard, the project would result in the inability to install the protective wall necessary to serve the project’s residential uses and subsequently resulting in a reduction of the density that the project is permitted to.

Subdivision

The project includes a Vesting Tentative Map for condominium purposes. The subdivision will divide the site into thirty-three (33) individual residential condominium units, one (1) commercial condominium unit, and a common area that surrounds the units. The subdivision conforms to the

General Plan, Subdivision Ordinance, and provisions of the Subdivision Map Act as substantiated in the Draft Resolution recommending approval of the Vesting Tentative Map (Attachment 2).

Bankers Hill 150 v. City of San Diego

Bankers Hill 150, the developer (Greystar), submitted an application to construct a 20-story mixed-use project, at a building height of 223 feet, that would include 204 dwelling units, office space, a large courtyard, and underground parking. The proposed project qualified as a Density Bonus project because it set aside 18 dwelling units as affordable for very low-income residents. Accordingly, the City of San Diego granted Greystar a density bonus to exceed the zone's maximum density of 147 units, as well as incentives to exceed the City's 65-foot building height limit, eliminate requirements for a 15-foot setback and on-site truck loading and reduce private storage areas.

Two community groups, Bankers Hill 150 and Bankers Hill/Park West Community Association, filed a petition for writ of mandate challenging the City's approval of the project application, alleging that the project is inconsistent with the City's development standards for that neighborhood. The trial court denied the Association's writ petition because it fatally failed to address the application of the Density Bonus Law.

The Court of Appeal affirmed the trial court's denial of the writ petition. The court emphasized that, under the Density Bonus Law, absent very limited exceptions, the project is entitled to the waiver of any development standards that would have precluded the project's construction as designed, including those with which the Association alleged the project is inconsistent. Furthermore, the waiver or reduction in development standards is in addition to the incentives and concessions mandated by the Density Bonus Law.

The Association argued that the project could be redesigned to yield a shorter and less bulky building by eliminating a courtyard. Reaffirming the holding in *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, the court rejected the Association's argument. According to the court, the City could not demand that Greystar redesign its building to better meet City development standards even if a design existed that would allow fewer deviations from the City's requirements.

Housing Accountability Act (HAA)

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state's overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects (projects resulting in more than two (2) housing units or resulting parcels) which includes subdivision of land that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

The proposed project is protected under the Housing Accountability Act (HAA) as it creates additional housing stock within the City of Los Altos. Additionally, the proposed project meets all objective design standards that are applicable.

Environmental Review

The project site, which is 0.91 acres in size, is considered an in-fill site that is substantially surrounded by urban uses and does not contain significant natural habitat for endangered, rare or threatened species. The proposed development is consistent with the General Plan and the CT Zoning District's Effective Zoning Standards except as modified by Density Bonus Law and will not result in any significant impacts relating to traffic, noise, air quality, or water quality; and the site can be served by all required utilities and public services; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply. Therefore, in accordance with Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, the project is exempt from further environmental review.

A Transportation Analysis conducted by Hexagon Transportation Consultants, Inc. concludes that the project will have a less-than-significant transportation impact under the City's Vehicle Miles Traveled (VMT) Policy screening criteria. According to the analysis, the project site is located within one-half mile of El Camino Real, a designated high-quality transit corridor. Additionally, the project's floor area ratio (FAR) of 2.66:1 exceeds the 0.75, provides fewer parking spaces than mandated by City Code, and does not entail the replacement of a fewer number of affordable housing units, all of which support a finding of less-than-significant VMT impact.

Public Notification

A public meeting notice was mailed to property owners and commercial business tenants within (300) feet of the project site and published in the newspaper. The applicant also posted the site with a public notice sign in conformance with the Planning Division posting requirements.

At the time of preparation of this report, the Planning Division did not receive comments on the proposed project.

Next Steps

The Planning Commission's decision on the Design Review and Conditional Use Permit applications are final unless appealed to Council. The Planning Commission's consideration and recommendation on the Tentative Map application will be forwarded to Council for consideration at a future meeting and will be noticed separately.