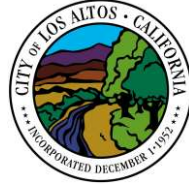


ATTACHMENT H



**Community Development Department
One North San Antonio Road
Los Altos, California 94022**

October 22, 2021 (Revised on October 23, 2021)

Gregory and Angela Galatolo
Via Email: agalatolo@apr.com
4350 El Camino Real
Los Altos, CA 94022

Subject: 4350 EL CAMINO REAL (Application No. 19-D-01, 19-UP-01 and 19-SD-01)

Dear Mr. and Mrs. Galatolo:

This letter is being provided pursuant to Government Code Section 65589.5(j)(2), and is in response to the plans and documentation for the Commercial Design Review, Use Permit and Subdivision applications for a new multiple-family building at 4350 El Camino Real. Based on City staff review, this letter is a list of the consistency items that should be addressed or provided for the application.

Your timely response to these comments will help expedite your project's review. For questions regarding the following comments from the Planning Division, please contact Sean Gallegos, Associate Planner at 650-947-2641.

Consistency with City Ordinances, Policies, and Guidelines

This application has been reviewed for consistency with the following City documents. The remaining comments in this letter are based on the following:

- General Plan
- Other City Policies
- Zoning Ordinance
- Water Conservation in Landscaping Ordinance
- Multi Family Design Review Submittal Requirements
- Density Bonus Report Requirements
- Story Pole Requirements – New Development
- Construction Management Plan Submittal Requirements
- Public Art Impact Fee handout

As proposed, the project is **inconsistent** with applicable objective standards. Staff recommends the following additional comments be addressed to maintain consistency with the Zoning Ordinance, General Plan, Density Bonus Report and Other City Policies and Requirements:

1. **Chapter 14.50.180 (Off-Street Loading for Residential (CT))**

In order to accommodate the delivery or shipping of goods at a multiple-family residential project, on-site loading/unloading space shall be provided:

- A. There shall be at least one loading/unloading space provided, which shall have minimum dimensions of at least ten (10) feet by twenty-five (25) feet, with fourteen (14) feet of vertical clearance;
- B. Loading and unloading spaces shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way without interfering with the orderly movement of traffic and pedestrians on any public way and complete the loading and unloading operations without obstructing or interfering with any parking space or parking lot aisle;
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any of off-street parking area be used to satisfy the area requirements for loading and unloading facilities;
- D. A loading/unloading space may be located in the front yard setback, but shall comply with other required setbacks;
- E. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street;
- F. Loading spaces shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times; and
- G. Adequate signage shall be provided that directs delivery vehicles to the loading space.

As specified in the Zoning Code (Sec. 14.74.200), truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long and each parking and loading space shall be accessible from a public street or alley. The project plans do not show a designated loading zone for the property. The site plan does not show the location of a truck loading spaces that does not interfere with access to the below grade garage, which would be required for trash collection or deliveries.

2. **Chapter 14.72.020 (Maximum Fence Heights)**

The maximum height of any fence, wall, or other similar structure erected, constructed, or maintained in the city shall not exceed six feet. A fence detail is shown in the project plans, but the location of the fence is not shown in the plan set. Therefore, staff is unable to determine if plans are consistent with the maximum permitted fence height [Chapter 14.72.020 of the Zoning Code](#). The site plan shall be updated to reflect compliance with the maximum permitted fence heights of [Chapter 14.72.020 of the Zoning Code](#).

3. **Table LU-1 of the Land Use Classification System of the Land Use Element permits a maximum floor area ratio per net acre of 2.0:1 for a residential use.**

Table B-40 of the Housing Element establishes a maximum density of 38 dwelling units per acre for sites in the Commercial Thoroughfare district.

Program 4.3.4 of the Housing Elements encourages the City to comply with maximum codified densities in the zones that allow multifamily housing.

Density Bonus Report: Any applicant requesting a density bonus and any incentive(s), waiver(s), or parking reductions provided by State Density Bonus Law shall submit a Density Bonus Report as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development.

The Land Use Element encourages a maximum floor area per net acre of 2.0 as a measure of intensity of the residential use in the Thoroughfare Commercial land use. The project proposes a floor area per net acre of 2.4:1. Staff recommends the project Information Table be updated to include the building Floor Area, which shall be related to the floor area ratio. The applicant shall address the floor area per net acre inconsistency in the density bonus letter.

The Housing Element encourages maximum densities of residential development as well as facilitating affordable housing. The permissible density is 38 dwelling units per acre, or a maximum of 25 dwelling unit. The project proposes 47 units or a density of 72 dwelling units per acre, which exceeds the permissible density of 38 dwelling units per acre.

The City's Affordable Housing Ordinance (LAMC Chapter 14.28) requires a minimum of 15 percent of the units be affordable, with a majority of the units designated as affordable at the moderate-income level and the remaining units designated as affordable at the low or very-low-income level. Under the City's Affordable Housing Ordinance, the project would require a minimum of four affordable units. The applicant is proposing seven affordable units, with four moderate-income level units and three very-low-income level units, which is consistent with the inclusionary ordinance.

Under the State's density bonus regulations (Section 65915 of the California Government Code) and the City's Affordable Housing Ordinance, the project qualifies for a density bonus based on very-low income units if it provides at least five percent very-low-income units. With three affordable units at the very-low-income level and four affordable units at the moderate level (7 affordable units total), the project is providing 28 percent of its base density as affordable, with 12 percent of its base density affordable at the very-low-income level. By providing 12 percent of its units as affordable at the very-low-income level, the project qualifies for a 38.75 percent density bonus Government Code 65915(f)(2)., or a total of 35 multiple family units. However, the applicant proposes a project with 47 units or a density of 72 dwelling units per acre. To achieve a total of 47 units, the applicant is requesting an 88% density bonus.

In the applicant's density bonus letter, the report state the 88% density bonus is necessary due to: "the project provides three additional affordable housing units over the minimum City requirement, the developer's perspective that the number of overall project units is necessary to reduce the risk and provide a safety net because of the very high cost of land, the very high cost of construction trending even higher over time, and the uncertain nature of the housing market in the future when the project units will be delivered."

According to Section 14.28.040.E of the Zoning Code, the multiple-family affordable housing codes does not "prohibit the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that

do not meet the requirements of this section.” The granting of a larger density bonus would be in the Council’s discretion, but as proposed, the project does not comply with the objective standards.

While the applicant has advised the increased density bonus is necessary due to the inherent risk due to the cost of land and construction and the uncertainty of the market, the applicant has not provided any technical reports or evidence to support the claims related to land costs, constructions costs, real estate risks, or any other factor related to the unsubstantiated claims from the applicant for the density bonus of 88 percent.

A development with a density bonus greater than 35 percent should be based upon an increased number of BMR units consistent with the multiple-family affordable housing ordinance (Chapter 14.28 of the Zoning Code). As currently proposed, the project is not consistent with the Zoning Code (Chapter 14.28) and the objective standards of the Zoning Code. Staff recommends the density bonus report be revised to address the above listed items, or staff will recommend denial if/when it is scheduled for Planning Commission review. Overall, the project does not reflect a desired and appropriate development intensity for the CT District and the El Camino Real corridor.

- 4. Section 14.28.030 (Standards) of the Multiple-Family Affordable Code requires that all affordable units in a project shall be constructed concurrently with market rate units, shall be dispersed throughout the project, and shall not be significantly distinguishable by size, design, construction or materials.**

The applicant proposes a 47-unit multiple-family development with 21 percent of the development with one-bedroom market-rate units (10 total units), 68 percent of the development with two-bedroom market-rate units (32 total units), and ten percent of the development with three-bedroom market-rate units (5 total units). The applicant proposes seven affordable units, with 71 percent of the affordable units being one bedroom (total of five), and 29 percent of the affordable units being two-bedroom units (total of 2), and the affordable units are distributed on floors one through three.

As currently proposed, multiple-family development is not consistent with Section 14.28.030 due to the affordable units not being dispersed throughout the development on all floors, and the two-story units being significantly distinguishable due to the size of the units being 767 square feet, while 90 percent of the market-rate units having a median unit size of 1,326 square feet. Consistent with Section 14.28.030 of the Zoning Code, staff recommends the applicant distribute the affordable units through all five floors, the percentage of affordable units be designed to not be distinguishable from the percentage of one-, two- and three-bedroom market-rate units, and the size of the affordable units not be significantly distinguishable from the market-rate units.

INCONSISTENCIES WITH CITY REQUIREMENTS (Resolved with Conditions)

In order to enable staff to provide useful feedback, staff has provided comments outlining inconsistencies with City requirements that will be dealt with through conditions of approval. The following items will not be used to determine completeness; however, these items are recommended in order to enhance staff’s understanding of the project.

1. **Section 14.74.160 (Off-Street Loading Spaces)** requires that loading spaces shall be provided on the site of each of the permitted uses in the Commercial Thoroughfare (CT) district when found by the commission to require the receipt or distribution of materials by vehicles or when found to be necessary for the public safety or welfare. The number of spaces shall be determined on the basis of the number of anticipated truck movements.

Since, the project's compliance with off-street loading spaces requirement is a matter of confirming consistency. Staff recommends the applicant provide information regarding the number of anticipated truck movements to assess whether the truck loading space for deliveries is necessary based on Section 14.74.160. At a future Planning Commission meeting, staff will request the commission consider whether loading spaces are required for deliveries.

2. **Construction Management Plan**

The proposed preliminary construction plan does not comply with the Construction Management Plan handout, and it must be incorporated into the plan set as directed in the Submittal Requirements handout for Commercial or Multiple-Family Design Review. We previously found the proposed CMP did not provide sufficient details for off-site truck staging for material deliveries that require multiple trucks at any one time (concrete, building materials, etc.). A Condition of Approval will be required for an updated CMP consistent with the Submittal Requirements Construction Management Plan handout, including providing greater detail on the truck staging for material deliveries that require multiple trucks at any one time (concrete, building materials, etc.) prior to the Building Permit being issued for the development. The Construction Management Plan handout is provided below:

https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/construction_management_plan_submittal_requirements_and_example.pdf

3. **Vesting Tentative Map**

The Vesting Tentative Map requires the vacating of the ingress/egress easement on the subject site and a separate ingress/egress easement on the adjacent site (APN 167-60-MULT). Staff previously advised the vesting tentative map was incomplete due to lacking a letter from the neighboring property (APN 167-60—MULT) agreeing to vacating the easements. As Condition of Approval, evidence that an instrument has been recorded vacating the ingress/egress easement will be required prior to recordation of the Final Map.

4. **Signs**

No signs were proposed for the project. Any potential signage must comply with Chapter 14.68 (Signs on Private Property). The web link to the Sign Ordinance is provided below:

https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TTT14ZO_C14.68SIPRPR

5. **California Department of Transportation Standard Specifications and the American Public Works Association Standard Specifications for Public works for construction Section 21 (Street Trees)**

The furnishing and installation of street trees shall be in accordance with the plans and the specific standards of Section 21, Street Trees. The project plans are not consistent with Section 21, and the furnishing and installation of street trees shall be required as a Condition of Approval consistent with Section 21, Street Trees. The Section 21 standard is provided at the below link:

[https://www.losaltosca.gov/sites/default/files/fileattachments/Public%20Works/page/210/guidance technical specification - section 21.pdf](https://www.losaltosca.gov/sites/default/files/fileattachments/Public%20Works/page/210/guidance%20technical%20specification%20-%20section%2021.pdf)

6. **Public Infrastructure Repairs**

The public infrastructure shall be repaired consistent the specific standards of the Engineering Division if there are damaged to right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee

The infrastructure and sidewalk improvements shall be required as a Condition of Approval consistent with Engineering Standards in the attached surface improvement exhibit

<https://www.losaltosca.gov/publicworks/page/surface-improvements>

7. **Stormwater Management**

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). The SWMP must be reviewed and approved by a City approved third party consultant and the City Engineer at the applicant's expense. The project plans and submittal are not consistent with the Municipal Regional Stormwater NPDES Permit (MRP), but a Condition of Approval shall be required to obtain a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated. The Stormwater Pollution Prevention measures (Chapter 10.16) are provided at the following web link:

[https://library.municode.com/ca/los altos/codes/code of ordinances?nodeId=TTT10PUSE CH10.16STPOPRME](https://library.municode.com/ca/los%20altos/codes/code%20of%20ordinances?nodeId=TTT10PUSE_CH10.16STPOPRME)

8. **Sidewalk Lights**

The new light fixture to be installed along El Camino Real in the vicinity of the existing bus stop shall be consistent with the Engineering Division Electrolier Specification (SL-1 and SL-2B). The project plans are not consistent with the City's Street Lighting requirements, but any sidewalk light improvements shall be required as a Condition of Approval consistent with the Street Lighting Standard Details provided at the below web link:

<https://www.losaltosca.gov/publicworks/page/street-lighting>

ADDITIONAL COMMENTS (Not Related to Completeness of the Application)

In order to enable staff to provide useful feedback, it is recommended that additional information beyond the minimum requirements is provided for review. The following items will not be used to determine completeness; however, these items are recommended in order to enhance staff's understanding of the project.

1. **Community Design Policy 1.7 addresses the enhancement of neighborhood character by promoting architectural design of and residential developments that is compatible in the context of surrounding neighborhoods.**

Community Design Policy 4.2 requires projects improve the visual character of El Camino Real commercial area by ensuring compatibility with residential neighborhoods to the south of the corridor.

CDHR 1: Community Identity and Character: Enhance the City's unique identity and character by:

- a. **Maintaining the low density, low profile residential character of the community through zoning regulations and design guidelines.**
- b. **Promoting site planning and project design with an emphasis on small town scale and pedestrian friendly development.**
- c. **Ensuring compatibility between residential and non-residential development through zoning regulations and design review.**

As currently designed, the project does not meet the goals, policies and objectives of the General Plan and the Zoning Code design criteria for the CT District:

- The project does not have architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design. The project requires a mixture of scales in building design, it should relate to the human scale, both horizontally and vertically, and be compatible and reflect the scale of surrounding structures, including the neighborhoods to the south of the corridor. The project given its prominent location on a corner lot, the design should provide lower scale elements and create more of a pedestrian scale on both of its street facing frontages.
- The horizontal and vertical building mass is not sufficiently articulated to relate to the human scale; it has variation and depth of building elevations to avoid large blank walls; and the residential elements that signal habitation such as entrances, stairs, porches, bays and balconies. The proposed building's five stories and height is not compatible with the lower scale of immediately adjacent properties, and it needs to improve its transition with adjacent lower-scaled two and three-story structures.; and
- The landscaping is not generous and inviting, the landscape and hardscape complements the building and is well integrated with the building architecture and surrounding streetscape, and the landscape includes substantial street tree canopy.

ENVIRONMENTAL REVIEW

The City of Los Altos, as the Lead Agency, has prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the 4350 El Camino Real project 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, California.

Date(s)	Required Actions
October 21, 2021 to December 5, 2021 (Tentative)	<p>AB52 Consultation: Tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project.</p> <p>A 30-day review period is proscribed by Public Resources Code section 21080.3.1, subd. (d), the tribal entity.</p>
December 5, 2021 to December 19, 2021	Upon completion of AB52 Tribal Consultation, if these comments include substantial evidence that a potential environmental effect may occur despite the project revisions or mitigation measures included in the MND, the Lead Agency must either require further revisions to the project which would effectively avoid or mitigate that effect.
To be Determined	Notice of Intent to Adopt a Mitigated Negative Declaration to be mailed to required parties, noticed in a paper of general circulation, and posted at City Hall and the Santa Clara County Clerks Office, and any additional noticing will occur as required under Section 15072 of the California Environmental Quality Act.
To Be Determined	A 30-day public review and comment period for the Initial Study and Mitigated Negative Declaration, as required under Section 15.073 of the California Environmental Quality Act. During this period, the IS and MND will be available to local, state, and federal agencies and to interested organizations and individuals for review

Date(s)	Required Actions
To Be Determined	The City, as Lead Agency, will consider the comments it receives during the review period prior to adopting an MND. If these comments include substantial evidence that a potential environmental effect may occur despite the project revisions or mitigation measures included in the MND, the Lead Agency must either require further revisions to the project which would effectively avoid or mitigate that effect, or if that is not possible, prepare an EIR.
To Be Determined	Planning Commission Meeting
To Be Determined	Planning Commission Meeting
To Be Determined	City Council Meeting

As the project planner assigned to this project, you may contact me directly at (650) 947-2641 or sgallegos@losaltosca.gov if you have any questions.

Sincerely,



Sean K. Gallegos
Associate Planner

Guido Persicone, AICP
Planning Services Manager

Cc: Architect