



DATE: April 7, 2022

AGENDA ITEM #

## AGENDA REPORT

**Meeting Date:** April 7, 2022

**Subject:** 4350 El Camino Real – New Multiple-Family Development

**Prepared by:** Radha M. Hayagreev, Consulting Senior Planner

**Reviewed by:** Steve Golden, Interim Planning Service Manager  
Laura Simpson, Interim Community Development Director  
City Attorney's Office

**Initiated by:** Angela and Gregory Galatolo, Property Owner and Applicant

### RECOMMENDATION:

Recommend denial to the City Council of Multiple-Family Design Review, Conditional Use Permit, Vesting Tentative Map, Density Bonus and Development incentives Application for 19-D-01, 19-UP-01 and 19-SD-01 – 4350 El Camino Real per the findings and conditions contained in the resolution.

### ATTACHMENTS:

- A. Draft Resolution with Findings 2022\_XX
- B. Initial Study and Mitigated Negative Declaration, duly noticed and circulated
- C. Comments received and responses to comments for the IS-MND
- D. Complete Streets Study Session Reports and Minutes (August 28, 2019, and October 23, 2019) and PC Study session minutes (October 18, 2018)
- E. Modified Story Pole Plan, on-site Story Pole Installation and Story Pole Certification.
- F. Density Bonus Report and letter
- F1: Cover letter (March 9, 2022)
- G. Architectural plan set
- H. Project Consistency letter
- I. Project Completeness letter per Permit Streamlining Act
- J. Santa Clara County Fire Department Comments / Conditions
- K. Public Correspondences
- L. Public notice map
- M. Draft Conditions of Approval exhibit

### ENVIRONMENTAL REVIEW:

The Notice of Intent to Adopt the Initial Study/Mitigated Negative Declaration (IS/MND) for the 4350 El Camino Real Residential Project was circulated for 30 days from January 11, 2022, through February 14, 2022. The City received two comment letters for the draft IS/MND during the 30-day public comment period from:

- Mountain View Los Altos School District (February 1, 2022)
- California Department of Transportation (Caltrans) (February 9, 2022)

Copies of these comment letters are included in Attachment-C. Attachment C also provides a summary of the written comments with responses to the environmental issues raised. No text revisions to the IS/MND are required.

The comments received do not raise any significant new information or substantial evidence in light of the whole record to warrant recirculation of the MND or preparation of an Environmental Impact Report per CEQA Guidelines 15064 and 15073.5. The City Council will review and consider the comments and responses prior to making a decision on the project. City Council adoption of the MND and Mitigation and Monitoring Program will be required to approve the project, but no action on the MND is required if the City Council decides to disapprove the project. Refer to Attachment B and C of this staff report for more details.

### **PROJECT LOCATION:**

The project site is a 0.66-acre parcel located at 4350 El Camino Real, which is at the southeast corner of the intersection of El Camino Real and Los Altos Avenue in northern Los Altos. The Assessor's Parcel number for the project site is 167-11-041.

The site is currently occupied by a gasoline service station, surface parking, and perimeter landscaping. The gasoline service station includes a 1,466 square-foot gasoline service station building comprising a convenience market and an auto repair shop and there are pump islands for outdoor fueling covered by canopies.

### **PROJECT DESCRIPTION:**

The project site is designated as 'Thoroughfare Commercial' in the General Plan and zoned CT (Commercial Thoroughfare.) The project proposes to demolish the existing gasoline service station buildings, and pump islands and canopies, and remove the asphalt paving and landscaping, and the underground fuel and oil storage tanks, and construct a new five-story residential building with two below-ground parking levels.

The Applicant requests approval applications for Design Review, Conditional Use permit, and a Tentative Parcel Map for a new multiple-family development on a 0.66-acre (28,562 sq. ft.) site at 4350 El Camino Real. The proposal includes 47 for-sale condominium units in 53.85 feet tall, five-story building with two levels of underground parking and a ground level common area at the rear of the building. The proposed design provides 40 new market-rate condominium residences, and seven affordable residences. The Project unit distribution includes ten one-bedroom, 32 two-bedroom, and 5 three-bedroom units. The one-bedroom units would range in size from 580 to 774 square feet, the two-bedroom units would range from 767 to 1,449 square feet, and the three-bedroom units would range from 1,023 to 1,675 square feet.

With regards to common space and private open space, the project includes new street trees planted in park strips along the El Camino Real and Los Altos Avenue frontages and landscape areas between the sidewalks and unit entrances on the ground floor, as well as perimeter landscaping along the southern and eastern property lines. A courtyard area that includes seating areas and raised planters is located on the ground floor of the building and provides approximately 12,359 square feet of common open space for project residents. Each unit provides approximately 64 square feet of private open

space in the form of either a balcony or patio. The conceptual architectural site plans, elevation and landscape plans are shown in Attachment-G of this staff report.

## **BACKGROUND:**

### SB330

Development project applications submitted after January 1, 2020 are subject to SB-330, the Housing Crisis Act of 2019. The application was submitted on December 27, 2018; therefore, the project is not considered an SB-330 project.

### Story Pole Installation

On January 26, 2021, the City Council approved a modified story pole installation for this project. The modified story pole installation that was approved requires the applicant to install and certify four poles and three balloons. The modified plan also required billboard signs to be installed on-site printed with QR codes that when scanned with a mobile device, opened walkthrough 3D elevation models of the proposed project that the applicant was to publish on the internet. The details of the modified story pole and billboard signs are available in Attachment-E, E1 and E2.

On February 13, 2022, the applicant installed all the approved story poles per the approved exemption plans.

On February 15, 2022, staff received a certified story pole installation for three of the six required story poles as verified by the Applicant's civil engineer/surveyor, also part of Attachment E.

On February 21, 2022, staff conducted a site visit to also confirm that only three of the story poles were installed on site. Staff also observed an inconsistency with the approved billboard signs since the installed billboard signs did not have the required QR codes as approved by the City Council and there was no link to the 3D walkthroughs.

On February 25, 2022, staff received final certification of all of the required story poles (see Attachment E).

On March 24, 2022, staff received confirmation that the billboard signs had an illegible QR code that did not link to the 3D model/walkthroughs per the approved story pole modification plan.

On March 29, 2022, staff received a communication from the applicant that one of the story poles had fallen.

On March 31, 2022, staff received confirmation that a revised QR code was placed on the billboard sign per the requirements and properly linked to the 3D models/walk throughs (Attachment E1 and E2).

### Planning Commission Study Session

On October 18, 2018, the Planning Commission conducted a study session to receive the project proposal and provide early feedback to the applicant on the project proposal. Detailed minutes of the study session is available for review in Attachment D.

### Complete Streets Commission

On October 23, 2019, the Complete Streets Commission (CSC) held a duly noticed public meeting to consider the Project. Pursuant to Section 14.78.090 of the Zoning Code, an application for City Council design review shall be subject to a multimodal transportation review and recommendation to the Planning Commission and City Council by the Complete Streets Commission as part of the approval process in order to assess potential project impacts to various modes of transportation such as but not limited to bicycle, pedestrian, parking, traffic impacts on public streets, and/or public transportation. The CSC members expressed the following concerns regarding the project which in turn have been reflected in the draft Conditions of Approval in Attachment B, which are recommended if the project is approved.

1. Install a “STOP” sign and stop bar at the garage exit to advise motorists to STOP before exiting the driveway.
2. The outbound garage ramp shall have a maximum slope of 2 percent within 20 feet of the top of the ramp.
3. No parking shall be permitted along the El Camino Real Street frontage.
4. The truck loading space shall be no less than ten (10) feet wide by twenty-five (25) feet long.
5. The loading space shall be accessible from a public street, and it shall not interfere or conflict with the driveway for the below-grade parking garage.
6. Replace existing shelter with a new VTA standard shelter (17’ Full Back with Ad panel) consistent with VTA direction.
7. Locate the shelter out of the sidewalk by pushing it into the landscaping; provide a 7’x25’ shelter pad consistent with VTA direction. This will improve sight distance from the driveway entrance if the driveway is not relocated
8. Install a new bus pad 10’x75’ minimum per VTA Standards (see attachment “VTA Bus Stop Passenger Fac Standards 2010 (37)”)
9. Remove street tree and landscaping adjacent to bus stop area consistent with VTA direction.

Following the discussion, the CSC voted 4-0 to recommend approval of the Project to the Planning Commission and City Council. The CSC agenda report and minutes is contained in Attachment D.

### **DISCUSSION / ANALYSIS:**

#### Housing Accountability Act

Pursuant to the Housing Accountability Act, Government Code Section 65589.5, if a housing development project complies with all applicable objective standards imposed by the City, then the City has limited discretion to condition the project, and it may not deny a conditional use permit or other discretionary entitlement for the project or approve the project at a lower density unless the approval authority finds that the project “would have a specific, adverse impact upon the public health or safety.” A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable

impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” Here, however, the project does not comply with the City’s objective standards.

The proposed project does not conform to several objective standards that are part of the Commercial Thoroughfare zoning district and the inclusionary housing obligations for unit distribution as described in various sections of this staff report. Therefore, the City has discretion to disapprove the project or condition it in a manner that would reduce density. Staff provided details of the project’s inconsistencies with objective standards to the applicant in a letter dated October 22, 2021(Revised on October 23, 2022), Staff’s correspondence is included in Attachment H and I.

Zoning District and other Development Standards

Table-1 below shows the objective standards required by the Municipal code Chapter 14.50 Commercial Thoroughfare District for this proposal.

The following information summarize the project’s technical details:

**GENERAL PLAN DESIGNATION:** Thoroughfare Commercial  
**ZONING:** Commercial Thoroughfare  
**PARCEL SIZE:** 28,562 square feet (0.66-acres)  
**MATERIALS:** Plaster, composite wood siding, glass, stone finish material, Corten steel, metal and wood sunshade structures on ground floor.

**Table-1 Zoning Development Standard**

Chapter 14.50 unless specified otherwise.	Standard	Proposed	Conforms (Yes/No) Notes
<b>SITE AREA:</b>	Min area = 20,000 sq. ft. Min. Site Frontage – 75ft.	Site area = 28.562 sq. ft. Site Frontage along El Camino Real = 109.04 ft.	Yes
<b>DENSITY:</b>	38 du/ acre	75 du/ac	<b>No, unless Optional Density Bonus is Granted<sup>1</sup></b>
<b>ALLOWED UNITS:</b>	25 units	47 units (88% density bonus)	<b>No, unless Optional density</b>

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<sup>1</sup> Applicant is requesting additional density bonus Per 14.28.040 E. 7. Optional Density bonus is requested. See Density bonus section and Attachment-F of this report for more details. [Chapter 14.28.040 E Density Bonus Standards 7. Optional density bonuses.](#) *Nothing in this section shall be construed to 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.*

			<b>bonus request is granted.</b>
<b>AFFORDABLE HOUSING</b>	Required 15% of base units – 4 units	Provided 7 units (4 Moderate, 3 Very-Low income)	Yes
<b>SETBACKS:</b> Front yard Rear yard Side yard	25 Feet 0 feet 7.5 average	25 feet <sup>2</sup> 8.1 7.75 feet	Yes Yes No
<b>HEIGHT:</b> Top of roof deck	Not more than 45 feet	53.85 feet <sup>3</sup>	<b>Yes, if Concession-1 is approved.</b>
<b>HEIGHT</b> Top of Elevator Override	Not more than 12ft above max. floor height	8ft over the roof deck.	Yes
<b>OPEN SPACE:</b> Private Open Space	Optional 50 sq. ft., immediately accessible from the unit it serves.	Providing average of 72.33 sq. ft on 1st Floor, 63.87 sq. ft. on upper floors	Yes
Common Open Space	For 26 to 50 units a min of 2,400 sq. ft.	6,126 sq. ft. courtyard and 6,233 sq. ft. front yard	Yes
<b>OFF STREET PARKING:</b>	84 spaces <sup>4</sup>	84 spaces	Yes, parking is consistent with the Density Bonus Law's parking ratios.
<b>PARKING STANDARD</b>	9ft by 18ft per space	9ft by 18ft	Yes
<b>PARKING AISLE WIDTH</b>	26 ft for 90-degree parallel parking	24 ft <sup>5</sup>	<b>Yes, if Concession-2 is approved.</b>

As seen in Table-1 above, the project does not meet objective design standards because it exceeds the allowed density and is not entitled to the requested 88 percent density bonus as of right.

Prior to presenting this project to the city elected officials, staff has, on multiple occasions, informed the applicant via email and letters and verbal clarification the inconsistencies of the project proposal. On October 22, 2021, staff has provided an inconsistency letter to the applicant and is made available for reference in Attachment H.

<sup>2</sup> CT district front setback requires minimum 50% landscaping.

<sup>3</sup> Refer to page-A3.1 & A3.2 of Attachment-G Architectural Plan set of this staff report.

<sup>4</sup> Density Bonus Law provisions: 0-1 BR – 1 space per unit, 2-3 BR – 1.5 spaces / unit, 4+ BR – 2.5 spaces / unit

<sup>5</sup> Per Chapter 14.74.200 A. 1. Parking Standards Exhibit-A -

[https://www.losaltosca.gov/sites/default/files/fileattachments/community\\_development/page/41491/parking\\_standards\\_exhibit\\_a.pdf](https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/41491/parking_standards_exhibit_a.pdf)

Since the project has not been revised to address inconsistencies and inconsistencies with zoning code development standards, the project can be denied and/or density can be reduced to be consistent with the required objective standards for projects in the CT zoning district.

Design Control Standards (Ct District)

On September 23, 2021(revised on October 27, 2021), the Project was deemed complete as detailed in Attachment-I of this staff report. Per Ordinance number 2021-478 of the LAMC, all projects deemed complete prior to the adoption of the Objective Design Standards effective October 16, 2021, are not subject to the Objective Design Control Standards codified in Chapter 14.50.170 – Design control for the CT zoning district. Although the specific Design Control standards are not applicable to this project because the project was deemed complete before the effective date of the ordinance, there are several design review findings that the City Council needs to make such as architectural integrity and appropriate design to address mass and bulk appearances. The inconsistencies with the design review findings are discussed in the heading ‘Discretionary Entitlement Review’ section of this report.

Inclusionary Housing, Density Bonus and Unit Distribution

**Inclusionary Housing**

The City’s Affordable Housing Ordinance (LAMC Chapter 14.28.020) 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 forty-seven units in total, seven units are designated to be affordable units, and of those a majority of four units are dedicated to moderate-income level units and three very-low-income level units, which is consistent with the inclusionary ordinance.

**Unit Distribution and Bedroom Count**

LAMC 14.28.030.C states that: “Unless otherwise approved by the City Council, 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 project does not comply with this standard because the project’s affordable units are not dispersed throughout the project, and they will be significantly distinguishable from the market rate units by size and type of unit, as indicated in the following tables:

**Table-3: Dwelling Unit Summary**

UNIT TYPES	Number	Size	Notes
1 Bedroom - Total	10 (21%)	580 to 774 sf	
2 Bedroom - Total	32 (68%)	767 to 1,449 sf	
3 Bedroom - Total	5 (10%)	1,023 to 1,675 sf	
Moderate Income (4 total, 16 percent)	1	1-Bedroom (764 sf	Ground Level
	1	1-Bedroom 580 sf)	Third Levels
	1	2-Bedroom (767 sf)	Second Level
	1	2-Bedroom (767 sf)	Third Level
Very-Low Income (3 total, 12 percent)	1	1- Bedroom (718 sf)	Ground Level

	1	1-Bedroom (580 sf)	Second Level
	1	1-Bedroom (580 sf)	Fourth Level

From the Table-3 above, there are no BMR units on the fifth floor and there are no 3-bedroom units in the BMR mix in this proposal.

See Table-4 below for the significant discrepancies between the unit sizes of the BMR units to the overall project unit sizes noting the comparison of one-bedroom and two-bedroom units between each category.

**Table-4: Comparison of Below Market Rate (BMR) Unit Sizes to Overall Project**

	<b>BMR Units</b>	<b>Overall Project</b>
Number and Percent of 1 BR Units	5 Units (3 VLI, 2 MI) 71% of BMR Units 100% of VLI Units	10 Units 21% of Total
Number and Percent of 2 BR Units	2 Units (2 MI) 29% of BMR Units	32 Units 68% of Total
Number and Percent of 3 BR Units	0 units 0% of BMR Units	5 Units 11% of Total
Median Size	767 Square Feet	1,326 Square Feet

Note that of the total 89 bedrooms being proposed in the project, only 10.11 percent or 9 bedrooms are dedicated to BMR. The larger 3-bedroom unit has been excluded from the below market rate housing mix entirely. If most BMR units are dedicated to 1-2 person households, the larger families are left out in the availing a housing option through this inequitable mix.

**Density Bonus**

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 (12 percent), the project qualifies for a density bonus of 38.75%. However, the applicant is requesting an 88% bonus, as reflected in the table below.

**Table-2 – Project Density**

Lot Size	28,562 square feet, or 0.656 acres
General Plan	Thoroughfare Commercial 38 units per acre
Zoning	Commercial Thoroughfare 38 units per acre
Allowed Density -	Base Density 25 units
Affordable Housing Requirement	(15%) 4 units
Affordable Housing Provided	7 units (4 Moderate Income, 3 Very-Low Income)
Eligible Density Bonus	38.75% =9.69 ~ 10 units
Eligible Gross Density	35 units
Additional Density Bonus Units Proposed	22 units
Total Number Dwelling Units Proposed	47 units
Percent Density Bonus Requested	88%



In the Applicant's density bonus letter (Attachment F), the report states the 88% density bonus is necessary because: "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 City's ordinance allows the City discretion to grant "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. Without it, the project does not comply with the objective standards so that the Housing Accountability Act does not apply.

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 substantiated this assertion.

Moreover, the Applicant has not identified any significant community benefit of the project that might justify a discretionary bonus. The Applicant claims that the provision of the affordable housing warrants as a community benefit which is not substantial for the requested 22-unit bonus.

As described below under the heading "Unit Distribution", the project also does not comply with the City's affordable housing requirements in that it requires the units shall be dispersed throughout the project, and shall not be significantly distinguishable by size, design, construction, or materials. The fact that the unit type and size of the proposed affordable units is not consistent with the proportionality of the other units in the project, in violation of the City's affordable housing policies, is an additional basis to deny the applicant's request for a discretionary density bonus.

Under these circumstances, staff does not recommend granting a discretionary density bonus of 88 percent because nothing about the project warrants granting the Applicant's request.

### **Concessions**

Since the project dedicates 12 percent of affordable units to very-low-income level units, pursuant to Chapter 14.28.040 of LAMC and Government Code section 65915 (2) (B), if approved the project would qualify for up to two incentives or concessions ("concessions")<sup>6</sup>. As detailed in Table-1 the project seeks a height concession and a concession for parking aisle width reduction  
Per Government Code 65915(d)

(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city a proposal for the specific incentives or concessions that the applicant requests pursuant to this section and may request a meeting with the city. The city shall grant the concession or incentive requested by the

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<sup>6</sup> The term "incentives or concessions" in the statute can cause confusion because it suggests that incentives and concessions are different, when in fact the entire term "incentives or concessions" refers to a single concept. For ease of reference, this report generally uses the term "concessions" instead.

applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

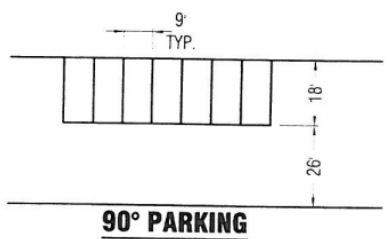
### **Concession-1: Height**

The maximum allowable height in the CT Zone is 45ft. The maximum height of the proposed project structure is 53.84 feet to the top of the roof deck (Refer to page-A3.1 &A3.2 of Attachment G Architectural Plan) set of this staff report, which is 8.84 feet over the max. allowable height.

Per chapter 14.28.040 F 1. (d) of the LAMC, the request for height increase is an on-menu concession. The height increase is within the max. allowed on-menu concession of 11ft increase as approved by the Council.

The request for the height increase does not result in adverse impact on public health or safety based on the objective standards or conditions, it is not inconsistent with State or Federal Law and can be granted if the project is approved

### **Concession-2: Parking Aisle Reduction**



**Figure-1: LAMC parking Appendix-A**

The applicant requests a concession for a reduced parking aisle width of 24 feet whereas the standard parking aisle drive width for a 90-degree parking stall is 26 feet as shown in Figure-1 above, per the off-street parking standards in LAMC Appendix-A.

Per the density bonus report, “The back-up distance incentive to allow 24 feet versus the required 26 feet allows for a more economical parking garage by reducing its overall dimensions by four feet in the east/west direction and two feet in the north/south direction, which reduces construction costs of soil removal and concrete and costs of other building materials. The reduced back-up dimension is supported by the project’s transportation report. The back-up distance incentive equates to an unquantified actual and specific project cost reduction.”

Please find below the Garage Design summary excerpt from traffic report for clarification on the 24-foot aisle width analysis:

On each level of the parking garage, there would be four rows of parking to the west of the ramp, as well one row against the wall of the garage. On all rows, parking would be provided at 90 degrees to the main drive aisle. The drive aisles through the parking garage are shown to be 24 feet wide, which would provide sufficient room for vehicles to enter or back out of the 90-degree parking stalls. Site access and circulation were evaluated with vehicle turning movement templates for a typical AASHTO Passenger Car defined in AASHTO handbook 2011. Some examples of this type of vehicles are: 2018 Cadillac Escalade, 2018 GMC Yukon, 2018 Chevrolet Suburban, 2018 Ford Expedition, and 2018 Toyota Sequoia. The traffic report section of Attachment- B has Figure 8A and 8B which show the circulation patterns and turning templates for the proposed garage and reduced aisle widths.

The request for this reduced size in the parking garage does not result in adverse impact on public health or safety based on the objective standards or conditions, it is not inconsistent with State or Federal Law and can be granted if the project is approved.

### General Plan

The General Plan contains goals and policies for the El Camino Real Corridor under the Special Planning Area in the Land Use Element, Community Design and Historic Resources Element, Housing Element and Economic Development Element. Together these elements discourage exclusive office use and promote inclusion residential development, encourage affordable housing projects, increased height for residential development, intensification of development to be compatible to the opposite side of the El Camino Real Corridor and streetscape improvement and pedestrian friendly streetscape designs.

Some of the Housing Element Goals are not consistent with the project proposal. Below are some Goals with which the project is inconsistent.

Goal 2, Policy 2.1.1 Encourage diversity of housing. Require diversity in the size of units for projects in mixed-use or multifamily zones to accommodate the varied housing needs of families, couples, and individuals. Affordable housing units proposed within projects shall reflect the mix of community housing needs.

In this case, however, the Below Market Rate (BMR) units are generally smaller than the market rate units in the project, and therefore do not reflect community need. As indicated above, 71% of the BMR units are one-bedroom units, which are not designed to meet the needs of more diverse household sizes.

Goal 4, Policy 4.3.2: Implement Chapter 14.28 of the Municipal Code, which defines the number of required BMR units by development size and type and requires on larger projects (greater than 10 market-rate units) that the BMR units generally reflect the size and number of bedrooms of the market rate units. Again, the project does not meet this goal.

Although the proposed project is not consistent with the above General Plan policies, it is generally consistent with the following goals and objectives of the General Plan:

#### Community and Historic Resources Element

Goal 4: Policy 4.2: Evaluate site development and design to ensure consistency in site design.

Goal 4: Policy 4.3: Evaluate development application to ensure compatibility with residential neighborhoods south of the corridor.

#### Land Use Element

Since this corridor is a six-lane arterial road with contiguous commercial development along the City's northern boundary, abutting cities of Mountain View and Palo Alto, there are significant opportunities for land use intensification and revitalization of the corridor without jeopardizing the small-town character of the community.

Goal 4: Policy 4.1: Discourage projects, which are exclusively office uses.

Goal 4: Policy 4.3: Encourage residential development on appropriate sites within the El Camino Real Corridor

Goal 4: Policy 4.4: Encourage the development of affordable housing.

#### Economic Development Element.

Goal 4: Policy 4.3: Promote the development of mixed-use commercial and residential developments within the El Camino Real Area to provide housing opportunities within the community.

Goal 4: Policy 4.5: Designate El Camino Real as the principal area of intensification of commercial and residential development.

ED4:1. Allowing land use intensification throughout the area consistent with the land use and economic development policies outlined in the General Plan

ED4:2. Promote the development of mixed-use commercial and residential and discourage development of exclusively office uses:

ED4: 3. Implementing the Sherwood Gateway Specific Plan and the Thoroughfare commercial (CT) Zoning District.

#### Parking

Table-5 below shows the required parking standards per zoning code standards (section 14.78.080) and the parking reduction provisions pursuant to State Density Bonus Laws<sup>7</sup>

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<sup>7</sup> Chapter 14.28 Multiple Family Affordable Housing references two spaces per each two-bedroom unit, whereas State Law was updated January 1, 2021.

<b>Table-5 Required Residential Parking</b>							
<b>Type of unit</b>	<b>No. of Units</b>	<b>Bedroom Count</b>	<b>Required Parking Ratio per Zoning Code 14.74.080</b>	<b>Required Parking Spaces Per Zoning Code</b>	<b>State Law Density Bonus reduced Parking Ratio</b>	<b>Required Parking Spaces Per Density Bonus</b>	<b>Proposed parking</b>
Three Bedrooms	5	15	2/unit	10	1.5/unit	7.5	
Two Bedrooms	32	64	2/unit	64	1.5 /unit	48	
One Bedroom	10	10	1.5/unit	15	1 /unit	10	
Guest Parking			1 per 4 units	12	None	-	
			<b>Total Parking:</b>	<b>101</b>		<b>65.5 (66)</b>	<b>84</b>

The parking spaces normally required in the Zoning Code are shown in the table above are for reference purposes only. Projects that qualify for a density bonus are entitled to the parking ratios in the Density Bonus Law, which are set forth in the table above. Using those ratios, the project is required to provide only 66 spaces, compared to the 84 spaces provided.

Each parking space is 9 feet by 18 feet, which conforms to the off-street parking code requirement.

#### Discretionary Entitlements

Under the Housing Accountability Act, if a project complies with all applicable objective standards, the project must be approved at the density proposed, but it may be conditioned in ways that do not have the effect of a denial or reduction in project density. If the discretionary density bonus is granted, or if the project is modified to comply with the City’s objective standards, conditions of approval that do not have the effect of a denial or reduction of density may be proposed so that all the findings of approval discussed in this section can be made.

#### **Design Review Permit**

Per Chapter 14.76.060 – Design Review Findings, The City Council needs to make the following findings for the approval of the Design Review Permit. As indicated above, note that because the project does not comply with all the City’s objective standards, the City Council has discretion to deny the project or to approve it at a lower density based upon these findings.

- A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.

Staff review: The project does not meet all the objectives standards of the zoning ordinance in the CT zoning district as detailed in Table-1 of this staff report, which is why a denial is recommended.

B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.

Staff review: The proposal is taller by an entire floor in relationship with the neighboring structures. Its bulk can be reduced further by articulating the vertical façade more, providing appropriate scale back using design as detailed in the design control chapter of the CT district.

C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays, and balconies.

Staff review: The vertical and horizontal articulation of the building mass can be further detailed and broken down, as addressed in the Design Control section of the CT zone. The pedestrian entrances and vehicular entrances are not detailed with elements that distinguish the spaces other than stairs and a door. The use of architectural elements can help break up the massing further in these areas and made more inviting. There are large vertical surfaces that extend five stories, that results in a more bulky appearance and massing. Design elements could be incorporated to break down these planes into smaller elements which would provide for a less bulky and less massive appearance.

D. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.

Staff review: The current material and finishes include a limestone base with stone and wood siding material for most of the primary street facades. The corner of the building has a portion of the façade finished in Corten Steel panels and aluminum storefront windowpanes for the corner lobby entrance leading to the mailbox. The upper stories have vinyl windows which result in a lower quality appearance and is a less durable material than other exterior window materials available and as compared to the metal clad windows. The rear of the building is shown to be finished in plaster. While there are several quality materials proposed, the use of these materials on the facades are not entirely serving to reduce the height, mass and bulk because of the lack of articulation and consistent visual elements to read base, body, parapets and other structural elements. The design can be articulated further to provide some relief between upper floors, body of the project and base level details.

E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

Staff review: Landscaping is generous and inviting, however, the project could incorporate more hardscape features at the lobbies and entrances to signify entry elements. The tree canopy is substantial along the street sides. The landscaped courtyard area could include additional amenities to be used for active and passive open space areas for the residents living in the development which may include families and children.

F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.

Staff review: Staff has not received a signage package for review. If the project is approved, this would be a made a condition of project approval. However, most likely signs would be limited to address and directional signs.

G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.

Staff review: The rooftop mechanical and other mechanical equipment are not shown in the drawings. If the project is approved, screening of rooftop mechanical equipment could be a made a condition of project approval.

H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

Staff review: The garbage staging area on the first floor is screened and is consistent with the building architecture.

Conclusion: Because all the foregoing findings cannot be made, staff recommends denial of the Design Review Permit.

### **Conditional Use Permit**

With regard to Conditional Use Permit UP19-001, to approve the permit the City Council would need to find the following in accordance with Chapter 14.80.060 of the LAMC.

A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare.

Staff review: Based upon the Initial Study/Negative Declaration (IS/MND) for the project, there is no evidence that the project will have an undesirable impact on the physical environment of the surrounding community.

B. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in [Chapter 14.02](#) of this title;

Staff review: The project will not have a significant environmental impact and it will meet many of the goals and objectives of the General Plan. However, it does not comply with the City's inclusionary housing requirements, exceeds the allowed density, and as proposed does not meet all of the City's design policies and objectives, as set forth above with respect to the Design Review Permit findings. Therefore, the project does not fully comply with all the objectives set forth in Section 14.02.020 of the Los Altos Municipal Code.

C. That the proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;

Staff review: Because the project will not cause a significant environmental impact, as indicated in the IS/MND, the development of a housing project in the corner location of El Camino and Los Altos Ave. will not be detrimental to the health and safety. The project will not be injurious to property or improvements in the vicinity because of the proposed mitigated measures detailed in the IS/MND to take necessary precautions during the time of construction.

- D. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of [Chapter 14.02](#);

Staff review: The specific use of a multi-family residential project does not fully comply with the regulations prescribed for the CT district as detailed in the staff report analysis and development standards Table-1.

Conclusion: Because all the foregoing findings cannot be made, staff recommends denial of the Conditional Use Permit.

### **Subdivision**

With regard to Subdivision TM19-0001, to approve the map, the City Council would be required to determine that none of the following findings can be made, in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- A. The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.

Staff review: *This Finding can be made.* The proposal remains inconsistent with Housing Element Goal 2, Policy 2.1.1 and Goal 4, Policy 4.3.2. in that the proposal does not meet required diversity in the size of units and that the affordable housing units are seventy one percent one-bedroom units and are generally smaller than the market rate units in the project.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Staff review: *This Finding can be made.* The proposal remains inconsistent with Housing Element Goal 2, Policy 2.1.1 and Goal 4, Policy 4.3.2 because the proposal does not meet the required distribution of unit type, size and diversity of units in the affordable housing mix.

- C. That the site is not physically suitable for the type of development.

Staff review: *This Finding cannot be made.* The site is physically suitable for this type of development because it is in conformance with the Thoroughfare Commercial land use designations of the General Plan, and complies with all applicable CT Zoning District site development standards excluding those exceptions otherwise approved;

- D. That the site is not physically suitable for the proposed density of development.



Staff review: *This Finding can be made.* The site is not physically suitable for the proposed density of development because it exceeds the maximum allowable density of 45 du/acre by eighty eight percent which it is not entitled by right.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff review: *This Finding cannot be made.* The design of the subdivision and the proposed improvements would not cause substantial environmental damage, or substantially injure fish or wildlife if mitigation measures recommended in the Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the project are implemented, as indicated in the IS/MND.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

Staff review: *This Finding cannot be made.* The design of the subdivision will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Staff Review: *This Finding cannot be made.* The design of the subdivision will not conflict with access easements because there are no known existing access easements encumbering this property.

Conclusion: Because all the foregoing findings cannot be made, staff recommends denial of the Subdivision Permit.

#### **PUBLIC NOTIFICATION AND CORRESPONDENCE:**

For this meeting, a public hearing notice was published in the *Town Crier* and mailed to 332 property owners and current tenants within 1,000 feet of the site (Attachment L). A public notice billboard with color renderings was installed along the project’s El Camino Real frontage and story poles to represent the walls and roof line of the building were installed in conformance with the City Council approved modified story pole installation for this project as detailed in Attachment E and discussed above.

At the time of report publication, 4 public correspondences were received and included as Attachment K. Staff will forward any additional correspondence received to the Commission.