



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jia Liu, Associate Planner

Approved By: Nick Zornes, Assistant City Manager

Subject: Vesting Tentative Map for a New Mixed-Use Project at 4896 El Camino Real

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

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; 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.

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City's General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality, and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

PREVIOUS COUNCIL CONSIDERATION

None.

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

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 project includes a Vesting Tentative Map for condominium purposes which would divide the site into thirty-three (33) individual residential condominium units, one (1) commercial condominium unit, and a common area that surrounds the units (see Attachment 3). As part of the map, a portion of the project site along Jordan Avenue will be dedicated to the City for public right-of-way purposes.

Planning Commission Review

On November 21, 2024, the Planning Commission held a public hearing to review the Design Review Application (D23-0004), Conditional Use Permit (CUP23-0001), and Vesting Tentative Map (TM23-0003) applications. The Planning Commission unanimously approved the Design Review and Conditional Use Permit applications and recommended approval of the Tentative Map application to the City Council. The Planning Commission Agenda Report Packet is included as Attachment 2.

At the meeting, the Planning Commissioners sought clarification on several aspects of the development project, including the requested waivers, objective standards, size of the BMR units, and various design elements such as the residents' storage area, bike parking design, solar features, and common area amenities.

During the public hearing, three members of the public shared their questions and concerns on the development project, which included issues related to sidewalk design, power pole standards, garbage pickup logistics, parking space allocation, and the sunlight impact of the new construction on neighboring properties. No one from the public had comments on the proposed map.

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 with the ground floor allowing for office, retail, lodging, and personal services. The project 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 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 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.*

Subdivision Consistency

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 for approval of the Vesting Tentative Map (see Attachment 1).

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.

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 has not received comments on the proposed project.

ATTACHMENTS

1. Draft Resolution Approving of the Vesting Tentative Map
2. [November 12, 2024, Planning Commission Agenda Packet](#)
3. Vesting Tentative Map