



CITY OF LOS ALTOS
AGENDA REPORT SUMMARY

MEETING DATE: April 22, 2008

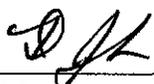
SUBJECT: 240 Third Street Mixed-Use Building

RECOMMENDED MOTION:

- A. Adopt an environmental Negative Declaration; and
- B. Approve Design Review application 07-D-01, Use Permit application 07-UP-06 and Subdivision application 07-SD-01 subject to findings and conditions.

<p style="text-align: center;"><u>ESTIMATED FISCAL IMPACT</u></p> <p>COST: Not Applicable</p> <p>BUDGETED: Not Applicable</p> <p>FUNDING SOURCE: Not Applicable</p>	<p style="text-align: center;"><u>ATTACHMENTS</u></p> <ol style="list-style-type: none"> 1. Traffic Commission Minutes, March 26, 2008 2. Traffic Commission Memorandum dated March 26, 2008 3. Planning Commission Minutes, March 20, 2008 4. Memorandum to the Planning Commission, March 13, 2008 including Environmental Initial Study and Mitigated Negative Declaration 	<p style="text-align: center;"><u>PUBLIC HEARING NOTICE</u></p> <p style="text-align: center;">Planning Commission March 20, 2008</p> <hr/> <p style="text-align: center;"><u>PREVIOUS COUNCIL CONSIDERATION</u></p> <p style="text-align: center;">None</p> <hr/> <p style="text-align: center;"><u>CEQA STATUS</u></p> <p style="text-align: center;">Mitigated Negative Declaration</p>
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 Department Director


 City Manager

4/14/08
 Date

16 April 08
 Date



MEMORANDUM

DATE: April 17, 2008
TO: City Council
FROM: Planning Commission
SUBJECT: 07-D-01, 07-UP-06 & 07-SD-01—240 THIRD STREET

RECOMMENDATION

Motions to:

- A. Adopt a Mitigated Negative Declaration of Environmental impact, and
- B. Approve Design application 07-D-01, Use Permit application 07-UP-06 and Subdivision application 07-SD-01 subject to the listed findings and conditions.

BACKGROUND

Project Summary

A three-story, mixed-use, condominium building is proposed at 240 Third Street, the former Bank of the West building. The project contains two retail areas on the first story, office space on the second story, and two residential units on the third story. The project provides an underground parking garage off the rear alley with shared parking spaces. The project contains 23,919 square feet of building area and reaches a height of 40 feet with a stairway tower at 46 feet. The project is designed to meet the newly adopted zoning limits for the downtown area.

The proposed Mitigated Negative Declaration of environmental impacts includes a condition to re-stripe the Whitney-San Antonio Road intersection to lessen the traffic impacts onto the only substantially affected intersection.

Planning Commission Review

On March 20, 2008, the Planning Commission held a public hearing to consider the project. During that meeting three members of the public addressed the Commission stating issues of avoiding ramps and steps on the sidewalk, clarifying the civil engineering plans, encouraging solar equipment on the roof, and concerns about the residential units, the three-story height and the project's traffic impacts. One member of the public encouraged the residential component.

The Planning Commission generally supported the project and felt that the project was designed well with a pedestrian scale at the first story, stepped massing at the second and third stories, and used high quality materials. The Commission discussed the traffic and parking circulation, the need

to better articulate the blank wall on the east building elevation, the need to improve pedestrian safety and the building entrance on the western side. One commissioner expressed concerns about the design being out of character with the downtown, the traffic impacts including the Whitney-San Antonio intersection, the combined-use parking and the desire for more housing units in the project. The Commission voted 6-1 to recommend approval of the project subject to direction to:

- Reduce the bulk of the east building elevation;
- Improve the pedestrian safety of the entrance and work with staff to provide a sidewalk on the west side of the building; and
- Avoid any steps or ramps at the sidewalk.

The March 20, 2008 Planning Commission Minutes and March 13, 2008 staff memorandum are attached for reference.

Traffic Commission Review

On March 26, 2008 the Traffic Commission reviewed the traffic impact analysis for the project. The Commission did not recommend accepting the traffic analysis based on concerns about traffic circulation in the alley and adjacent parking lots. The Traffic Commission's Minutes and follow-up report are attached for reference.

DISCUSSION

Project Changes

The plans were substantially revised to meet the Planning Commission and staff direction. The project improves the pedestrian access and safety with a new sidewalk along the western side. The parking spaces in the rear yard were straightened out to facilitate parking from either direction and to avoid the back-up conflict with the driveway. The parking garage plan was revised to address concerns about turning movements and visibility. A loading zone was added to the public driveway on the west side of the building. The east building elevation was revised to include substantial recesses and lattices to accept climbing vines. The roof plan shows in intent to have solar panels. The landscape plan was revised to include four trees at the rear of the building. The civil plan was revised to omit any steps and ramps on the sidewalk.

Affordable Housing

According to the Municipal Code, the Council may waive the requirement for including affordable housing in multiple-family projects with a small number of dwelling units. In this case, albeit the proposed two units are large, it seems appropriate to waive the affordable housing requirement because the developer is not seeking any development incentives.

Environmental Review

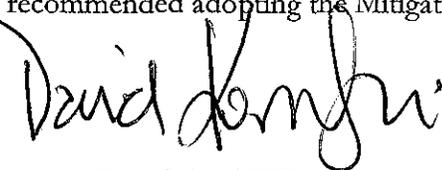
Staff prepared an initial study of environmental impacts in accordance with the California Environmental Quality Act. Based on the traffic assessment, the project is estimated to add up to 509 daily trips to the area, which includes 24 AM peak-hour trips and 56 PM peak-hour trips. Except for the Whitney Street-San Antonio Road intersection, the traffic study concluded that the project will not significantly impact the intersection level of service or the pedestrian, bicycle, or transit facilities.

The traffic analysis (page 21 of the report by Fehr & Peers, Attachment 4) found that the site access and circulation was generally adequate with three suggested changes: to resolve a parking back-up conflict at the ramp and alley, to widen the drive-isles in the garage, and to shift the orientation of the parking spaces on the south wall of the garage. The plans were revised during the review process to address each of these concerns and add a turn-around area at the end of the garage driveway.

The Traffic Commission was concerned about two-way traffic in the alley and the potential to drive through the Walgreens parking lot to access the site. Access to the site is provided by turning south off Third Street down a parking plaza driveway and left into the alley, or by using Whitney Street and turning down the alley. Vehicles on Second Street could cut-through the Walgreens parking lot at its front isle, which concerned the Traffic Commission. Exiting the site is via the alley to the east, to Second Street via the alley to the west, or through the Walgreens parking lot.

From a staff perspective, the alley environment functions effectively and provides necessary access to minimize parking and service areas from the primary streets. By nature, the alleys require more careful vehicular movements. In this case the alley is comingled with the Walgreens parking lot, where Walgreens customers use the alley to circulate among the Walgreens parking lot. We should not restrict access to adjacent parking lots because allowing multiple access points distributes the traffic and lessens its impacts.

The Initial Study identified one potentially significant project effect related to a traffic impact to the Whitney Street-San Antonio intersection. This impact can be mitigated to a less than insignificant level by striping a right-turn-only lane on eastbound Whitney Street. The Planning Commission recommended adopting the Mitigated Negative Declaration of environmental impact.



David Kornfield, AICP
Senior Planner

DK/tms

Cc: 240 Third Street, LLC, C/o Jeffrey Warmoth, Owner
Hwai Chen, Architect, Kenneth Rodrigues & Partners, Inc.

Linn Winterbotham, Landscape Architect, Winterbotham Partnership
Engineering Division

Attachments

1. March 20, 2008 Planning Commission Minutes
2. March 26, 2008 Traffic Commission Minutes
3. March 26, 2008 Traffic Commission Memorandum
4. March 13, 2008 Staff Memorandum to the Planning Commission

FINDINGS

07-D-01, 07-UP-06 & 07-SD-01—240 Third Street

1. With regard to adopting a Mitigated Negative Declaration of environmental impact, the Planning Commission finds that it is an appropriate determination based on the Initial Study according to the California Environmental Quality Act.
2. With regard to commercial design review the Planning Commission finds in accordance with Section 14.78.040 of the Municipal Code:
 - 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;
 - 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;
 - 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;
 - D. Exterior materials and finishes convey quality, integrity, permanence, and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades, and structural elements;
 - 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;
 - F. Signage is designed to complement the building architecture in terms of style, materials, colors, and proportions;
 - 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; and
 - 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.
3. With regard to the use permit for the mixed-use building exceeding 7,000 square feet, the Planning Commission finds in accord with Chapter 14.80 of the Municipal Code:
 - A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
 - 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;
 - 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;
 - 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;

- E. When the proposed conditional use and/or structure is located in the CRS District, the commission and council shall make a specific finding on each of the following issues:
 - i. That the proposed use and/or structure is in scale with the existing development and it enhances the unique village character of the CRS District; and
 - ii. That the proposed use and/or structure will not cause degradation in the level of service of the streets and intersections within the CRS District.

- 4. With regard to the Subdivision, the Planning Commission finds in accord with Chapter 14.78 of the Municipal Code and Chapter 4 of the Subdivision Map Act of the State of California:
 - A. That the proposed subdivision is consistent with the General Plan land use designation;
 - B. That the site is physically suitable for this type and density of development;
 - C. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife;
 - D. That the design of the subdivision is not likely to cause serious public health problems; and
 - E. That the design of the subdivision will not conflict with public access easements.

CONDITIONS

07-D-01, 07-UP-06 & 07-SD-01—240 Third Street

GENERAL

1. Project approval is based upon the plans received on April 10, 2008 except as modified by these conditions.
2. All work within the public right-of-way shall be done in accordance with plans to be approved by the City Engineer.
3. All projects shall comply with the Urban Runoff Pollutions Prevention Program regulations in place at the time of construction. The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet as page 2 in all plan submittals.
4. The applicant shall, upon the City's request, defend, indemnify and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding to attack, set aside, void or annul the approval, or any of the proceedings, acts or determinations taken, done or made prior to such approval.
5. In the event it is necessary to acquire offsite easements or street rights-of-way, the owner shall enter into an agreement with the City prior to final map approval agreeing to pay all condemnation costs, for dedication of all required easements or street right-of-way. This agreement shall be recorded and require the owner to deposit all condemnation costs with the City within 21 days of Parcel Map approval. The owner shall agree to provide an initial cash deposit as determined by the City.

PRIOR TO ISSUANCE OF BUILDING PERMIT

6. The landscape plan shall include an irrigation plan for all on- and off-site landscape adjacent to the site and for any planter boxes on or next to the building.
7. The applicant shall develop a Master Sign Program as approved by the Community Development Director.
8. The plans shall include a parking management plan reserving two parking spaces per dwelling and restricting the surface parking to a time limit to facilitate a higher turn-over of the surface parking.
9. The plans shall include a storm water catch basin along the southern frontage of the site to replace a storm drain in the rear yard of the property as required by the City Engineer.

10. The applicant shall pay in-lieu fees for traffic impacts, parkland dedication and sewer impacts in accordance with the Los Altos Municipal Code.
11. The applicant shall submit a cost estimate for review for work in the public right-of-way and a 50 percent labor and material bond to be held 6 months after acceptance of improvements in an amount as approved by the City Engineer. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
12. The applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Division.
13. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to grading, pedestrian protection, material storage, construction vehicle parking and construction fencing shall be provided to the City Engineer for review and approval.
14. Plans for the shoring and protection of adjacent properties shall be provided for City staff review and approval.
15. The applicant shall contact the Los Altos Garbage Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division.
16. The plans shall include an indoor bike locker and external bike racks, as approved by City staff.
17. The plans shall show all exterior lighting fixtures and be designed to minimize off-site glare and to shroud and direct balcony lights downward.
18. The applicant shall submit the Final Subdivision Map for review by the City Engineer.

PRIOR TO FINAL INSPECTION

19. The applicant shall label all new or existing catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.
20. The applicant shall remove and replace all sidewalk, curb and gutter, and street adjacent to the site as directed by the City Engineer.
21. All on- and off-site landscaping and irrigation shall be installed.
22. The applicant shall provide an acoustical analysis that evaluates the noise generated by the mechanical equipment in compliance with the City's Noise Control Regulations.

23. The applicant shall mitigate the project's traffic impacts by creating a right-turn-only lane on eastbound Whitney Street at San Antonio Road as approved by the City Engineer.
24. The applicant shall record the Final Subdivision Map as directed by the City Engineer.
25. The applicant shall remove and replace the existing sidewalks, curb and gutter adjacent to the site as directed by the City Engineer.
26. The applicant shall remove and replace the entire width of the alley way as directed by the City Engineer.
27. The applicant shall stripe and sign a loading zone as required by the City Engineer.