



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
August 25, 2015**

CONSENT CALENDAR

Agenda Item # 3

SUBJECT: Adopt the supplemental findings regarding 999 Fremont Avenue

BACKGROUND

At its July 28, 2015 meeting, the City Council considered the Council agenda report dated July 28, 2015, and other oral and written evidentiary materials related to the project at 999 Fremont Avenue ("Project"). Council unanimously voted to deny the Project consisting of use permit (14-UP-05), subdivision (14-SD-01) and design review (14-D-10) applications.

EXISTING POLICY

None

PREVIOUS COUNCIL CONSIDERATION

July 28, 2015

DISCUSSION

At its July 28, 2015 meeting, the City Council directed staff to draft supplemental findings regarding the Project. The City Council made the supplemental findings during its deliberations on the Project after receiving information through a Council agenda report dated July 28, 2015, applicant presentation, public testimony and written materials.

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

None

ENVIRONMENTAL REVIEW

Not applicable

RECOMMENDATION

Adopt the supplemental findings regarding 999 Fremont Avenue

ALTERNATIVES

1. Modify the findings
2. Do not adopt the supplemental findings

Prepared by: Jolie Houston, City Attorney

ATTACHMENT:

1. Supplemental Findings for 999 Fremont Avenue

SUPPLEMENTAL FINDINGS

14-D-10, 14-UP-05 & 14-SD-01 – 999 Fremont Avenue

These findings are in addition to and supplement the findings set forth in the Council agenda report dated July 28, 2015. The Loyola Corners Neighborhood Commercial Center Specific Plan (“Specific Plan”) was prepared in accordance with the provisions of Government Code section 65450 *et. seq* for the systematic implementation of the General Plan. This Specific Plan implements Land Use Element Goal 7, which encourages and facilitates the “long term viability of commercial activity at Loyola Corners.”

USE PERMIT

With regard to a use permit for a mixed-use building with retail and residential uses, the City Council finds in accordance with Section 14.80.060 (A-D and J) of the Municipal Code:

14.80.060(A). The proposed location of the conditional use is in not accordance with the objectives of the zoning plan as stated in Chapter 14.02:

1. The project property is located within the boundaries of the LC/SPZ Loyola Corners Specific Plan Zone District (Chapter 14.42), and the LC/SPZ District was adopted to implement the objectives, policies and programs of the Specific Plan;
2. The proposed project does not serve the primary objectives of the Specific Plan to maintain the focus on neighborhood convenience commercial orientation supplemented on a limited basis with retail service and office administrative uses; and
3. The project does not meet the objectives to implement the objectives, policies and commercial center Specific Plan in that the project is primarily a three-story residential project with limited ground floor retail use which is inconsistent with the economic development and land use objectives of the Specific Plan and the LC/SPZ.

14.80.060(D). The proposed conditional use will not comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02:

1. The project property is identified in the Specific Plan as Specific Parcel SP-3 Photo Drive-Up Site, and a mixed-use development is not identified as allowed within this Specific Parcel.

14.80.060(J). Because the property is identified as a Specific Parcel in the Specific Plan which has policies contrary to this section, conditional expansion is not provided for within this district.

1. The Specific Plan calls for a conditional expansion to allow moderate expansion to expand economic vitality of the stores by establishing a maximum total size and scale the will not substantially change the character of the center and the neighborhood. (LC/SPZ Section 14.42.040(C));
2. The LC/SPZ District excludes the properties identified as Specific Parcels from conditional expansion, and this property is identified as a Specific Parcel SP-3 Photo Drive-Up Site. (LC/SPZ Section 14.42.040(C));

3. The Circulation Plan in the Specific Plan calls for the realignment of Miramonte Avenue to present location “A” Street and widening of “A” Street to provide for 3 lanes of traffic, and the project plans do not address this planned realignment; and
4. The Specific Plan objectives and policies for development in Specific Parcel SP-3 Photo Drive-Up Site call for removal or relocation of the existing building to provide for a pedestrian plaza at the corner of Miramonte and Fremont Avenues, and the proposed project is in conflict with the planned uses for the site.

SUBDIVISION

The City Council adopted the Specific Plan in accordance with Section 65450 *et. seq* of the California Government Code. In accordance with the recommendation of the Los Altos General Plan, the Specific Plan was adopted to address planning issues in a coordinated and comprehensive manner. With regard to the Subdivision (14-SD-01), the City Council finds in accordance with Section 66474 of the Subdivision Map of the State of California that the proposed subdivision is inconsistent with the General Plan and Specific Plan as follows:

1. The Circulation Plan in the Specific Plan calls for the realignment of Miramonte Avenue to present location “A” Street and widening of “A” Street to provide for 3 lanes of traffic, and the project plans do not address this planned realignment; and
2. The Specific Plan objectives and policies for development in Specific Parcel SP-3 Photo Drive-Up Site call for removal or relocation of the existing building to provide for a pedestrian plaza at the corner of Miramonte and Fremont Avenues, and the proposed project is in conflict with the planned uses for the site.

DESIGN REVIEW

With regard to the Design Review (14-D-10), the City Council makes the following findings in accordance with Municipal Code 14.40.150:

The proposed project is inconsistent with the Community Design and Beautification Policies and Standards of the Specific Plan:

1. The project does not meet Policy DB-3 to create public plazas to encourage use of the area by customers and to create a sense of destination (see Figures 4 and 10 of Specific Plan);
2. The size and mass of structures and building elements is not moderately small or does not reflect human scale. (Architectural Design Policy DB-12) (CN District Design Control E)
 - a. The proposed three-story building does not have sufficient articulation, variation or depth to relate the building to provide bulk relief, relate to human scale or enhance the pedestrian experience, particularly along Miramonte Avenue and “A” Street.
3. The design of the new building is not compatible with the surrounding structures in terms of scale, colors and materials. (Architectural Design Policy DB-12)
 - a. Buildings in the Specific Plan area should not exceed two-stories or 30 ft. total (Page 11 of the Specific Plan)(Section 14.40.140).
 - b. The design of the building includes a massive third-story residential unit with a mechanical equipment enclosure, which is measured at 34’-6”.
4. The roof should be limited to simple forms and materials which tend to visually tie structures together rather than produce discord. (Architectural Design Policy DB-12)

- a. The use of a flat roof is not consistent with the roof design of surrounding buildings and the building roofline of the second floor, and does not reduce the sense of mass or bulk. The flat roof design is inconsistent with the design of the building and only used to reduce height of the building.