



DATE: September 29, 2021

Item #2

AGENDA REPORT

TO: Complete Streets Commission
FROM: Sean K. Gallegos, Associate Planner
SUBJECT 349 First Street - 12 Unit Condominium Project

RECOMMENDATION:

Provide feedback to the applicant and staff regarding the twelve-unit (12) unit subdivision under the pre application phase of Senate Bill SB 330.

PROJECT DESCRIPTION

This is a preliminary application for a new development proposal at 349 First Street. The applicant is proposing a twelve (12) unit condominium project with two below market rate unit (two moderate income).

Senate Bill 330 (SB 330)

Pre-Application Phase

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and became effective January 1, 2020. The bill establishes a statewide housing emergency to be in effect until January 1, 2025. On September 16, 2021, Governor News signed Senate Bill 8, which extends the provisions of the housing Crisis Act of 2019 through 2030. The Housing Crisis Act allows for an applicant to submit a preliminary application for any housing development project, meaning a project of two or more units and that is at least two-thirds residential by floor area.

SB 330 has two key phases a pre application phase and a formal submittal phase. The purpose of the pre-application phase is to collect specific site and project information in order to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process. The day the pre-application is filed with the City freezes site development and design standards plus other land use related regulations that can be imposed on the project. Additionally, under the provisions of the legislation, the City can only ask for certain information during the pre-application phase. Other design requirements can be asked for during the formal submittal. This provides some guarantees to the applicant that the “rules of the road” will not be changed mid-stream. During the pre-application phase the City can undertake its normal community outreach by having study sessions, and community meetings.

Formal Submittal Phase of SB 330

The applicant shall submit a formal application for a development project within 180 calendar days of submitting a complete preliminary application. If the City determines that the application for the development project is not complete, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the

necessary information. If the development proponent does not submit this information within the 90- day period, then the preliminary application shall expire and have no further force or effect.

Additionally, during the “formal submittal” phase the City is only allowed to require five public meetings. The legislation was written very broadly to include community meetings, and study sessions in this definition. The City also must account for any potential appeals, which count toward the five-meeting maximum. As such, it’s critical that the Complete Streets Commission and community provide feedback during the study session so the applicant can respond to comments made by the community in the application for formal submittal. Additionally, during the formal submittal phase the review by the Complete Streets Commission will have to be done as a joint meeting with the Planning Commission to give the City Council full discretion to review the project.

COMPLETE STREETS COMMISSION ROLES AND RESPONSIBILITIES

Per Section 2.08.160 of the Los Altos Municipal Code the Complete Streets Commission is an advisory body to the City Council on bicycle, pedestrian, parking and traffic matters.

2.08.160 - Powers and duties of the complete streets commission.

- A. Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries.
- B. Shall advise the council on existing and proposed city policies related to traffic calming and traffic enforcement.
- C. Shall advise the council on projects and budget priorities for transportation-related capital improvements.
- D. Provide for community engagement and serve as a conduit for community input.

As a result, and per 14.78.090 of the Los Altos Municipal Code, prior to formal submittal, City staff and the applicant would like to receive feedback from the Complete Streets Commission on the multi modal aspects of the project.

Density Bonus and Parking

Under the provisions of Density Bonus law, the project is entitled to reduced parking ratios and is providing the required 17 parking spaces. This is not considered a density bonus concession or a waiver but is a stand-alone reduction written into Density Bonus Law.

Table 1-Density Bonus Parking Ratios

	Units	Density Bonus Parking Ratios	Total Parking
Bedroom Count			
3 Bedrooms	4	1.5	6
Two Bedrooms	5	1.5	7.5
1 Bedrooms	3	1	3
	12		17

Transit Stop

The closest bus stop is located approximately 0.2 mile from the subject site at the corner of Lyell and San Antonio which is considered an acceptable walking distance. Local VTA route 40 provides

service between Foothill College in Los Altos Hills and La Avenida Street in Mountain View via San Antonio Road, Whitney and First Street.

Bicycle and Pedestrian

As recommended by the VTA guidelines, the project will be required to provide a minimum of 1 Class I (bike locker) must be provided for every 3 units and a 1 Class II (bicycle rack) must be provided for every 15 units. The plans do not currently show the project complies with the VTA guidelines. If approved by the City Council, the applicant will be required to improve the sidewalk along First and Whitney to create an accessible path of travel per the Americans with Disabilities Act (ADA).

CIRCULATION ELEMENT GENERAL PLAN

In 2013, Senate Bill 743 was signed by Governor Brown. SB 743 directed the State Office of Planning and Research (OPR) to develop new California Environmental Quality Act (CEQA) guidelines and to replace Level of Service (LOS) as the evaluation measure for transportation impacts under CEQA with another measure such as Vehicle Miles Traveled (VMT).

It should be noted that SB 743 does not preclude cities from retaining General Plan policies related to LOS. Furthermore, cities may continue to require transportation analyses of a project's consistency with the adopted LOS goals and/or other operational issues related to transportation. While the mitigation measures identified in the project's CEQA document will be based on VMT and not LOS, cities may require transportation improvements intended to address LOS deficiencies. Per the City of Los Altos Circulation Element, a transportation impact analysis (TIA) should be prepared for projects that generate 50 or more net new daily trips.

Circulation Element Policy C8-Require a transportation analysis for all development projects resulting in 50 or more net new daily trips. The analysis shall identify potential impacts to intersection and roadway operations, project access, and non-automobile travel modes, and shall identify feasible improvements or project modifications to reduce or eliminate impacts. Impact significance should be consistent with the criteria maintained by the Santa Clara Valley Transportation Authority. City staff should have the discretion to require focused studies regarding access, sight distance, and other operational and safety issues;

The City of Los Altos requires Transportation Impact Analyses (TIA) for projects which generate greater than 50 net daily vehicle trips. The purpose of the TIA is to satisfy the requirements of the City of Los Altos and to identify any transportation related deficiencies caused by the proposed development. A TIA will determine the trip generation rate, and the traffic added by the proposed residential development at key intersections, the distribution of the traffic at the key intersections, and the average delay experienced by motorists during peak hours at intersections in the vicinity of the project site during the weekday AM and PM peak hours of traffic (7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM).

The project's implementation of City policies to avoid impacts will be described, as conveyed in the Draft VMT Analysis. Los Altos continues to use the 50 daily net new daily trips threshold to define infill projects presumed to cause a less-than-significant transportation impact. Based on the screening criteria from the Draft VMT analysis, the development would not be "screened out" and it would require a local TIA and VMT analysis.

To account for the cumulative impact of lots of small developments, the City will require that the project conduct a Local Traffic Analysis (LTA) to assess the combined effects of all projects (past, current, and probable future projects of all sizes) on intersection levels of service. The City has developed Transportation Checklists that establish the elements required to be included in the LTA.

The following intersections in the vicinity of the site would be evaluated:

1. First Street & Main Street
2. First Street & Whitney Street
3. San Antonio Rd. & First St./Cuesta Dr. (signalized)
4. San Antonio Rd. & Foothill Expressway (signalized, CMP intersection)

A traffic report will be prepared by a transportation consultant, and the report will provide the project's vehicle miles traveled (VMT) analysis. The project's potential impacts to transit, bicycle, and pedestrian facilities will also be discussed.

ENVIRONMENTAL REVIEW

Given the size and scope of the project, the City's environmental consultant recommends preparation of a Categorical Exemption per CEQA Guidelines §15332 for In-Fill Development Projects. CEQA Guidelines §15332 applies to projects characterized as in-fill development meeting the following conditions:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species. d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- d) The site can be adequately served by all required utilities and public services.

A more detailed analysis will be conducted prior to the formal Planning Commission/Complete Streets Commission review.

Staff Recommendation:

Staff suggests that the Complete Street review the submitted material and provide preliminary feedback to the applicant so they can address these before submitting the formal application.

Attachments:

- A. Pre-Application Project Architectural Plans
- B. Pre-Application Project Survey
- C. SB 330 Handout
- D. Draft CEQA Transportation Analysis Using Vehicle Miles Traveled