

RESOLUTION NO. 2020-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING A REQUEST FOR ADDITIONAL WAIVERS FOR A
DEVELOPMENT PROJECT (MODIFICATION) MOD 20-0001 AT 4846/4856 EL
CAMINO REAL**

WHEREAS, on November 27, 2018 the Los Altos City Council approved a fifty-two (52) unit condominium project at 4846-4856 El Camino Real; and

WHEREAS, the project proponent dedicated ten units as affordable housing units with a mix of the units being both rental and ownership units; and

WHEREAS, the applicant proposed six rental units as deed restricted at the very low-income household level as published by the State of California Housing and Community Development Department (State HCD) for households in Santa Clara County; and

WHEREAS, per Section 14.28.040 Table DB4 of the Los Altos Multi Family Affordable Housing Ordinance an applicant is eligible for three incentives/concessions if at least fifteen percent of the base units are deed restricted at the very low-income level;

WHEREAS, the six very low rental units represent twenty-one (21%) of the base density allowed in the zoning district; and

WHEREAS, under the provisions of the Los Altos Municipal Code and State Density Bonus Law, an applicant can receive concessions/incentives. This application is eligible for three (3) concessions/incentives and the following three (3) were granted: 1) the height was increased to fifty-eight (58) feet when the zoning district only allows heights of forty-five (45) feet; and the normal rear yard setback is one-hundred feet (100) and the Los Altos Density Bonus Ordinance allows a twenty (20)% reduction in the rear yard setback. Since this project was granted a setback of 60 feet or a forty percent (40%) reduction this counts as two concessions for the project; and

WHEREAS, pursuant to the Los Altos Density Bonus and Inclusionary Housing Ordinance the applicant requested two waivers from the Los Altos Municipal Code: 1) to allow an elevator tower to be 17.9 feet tall when the code only allows such structure to be 12 feet tall and 2) to allow the roof top structure to 4.6% of the roof area when 4% is the maximum; and

WHEREAS, the two waivers were granted because the applicant submitted evidence into the record that no elevator was commercially available to comply with the twelve (12) foot height limit and roof area was directly tied to the elevator specifications for area needed.

WHEREAS, pursuant to Government Code Section 65915(e)(1) applicants may request additional waivers of development standards that would physically preclude the construction of a project with a density bonus; and

WHEREAS, on January 6, 2020 the applicant submitted a revised site plan requesting that the parking stalls sizes be reduced from the standard nine (9)-foot width to a width of 8 feet 6 inches; and

WHEREAS, the justification for the request is that the site will require less excavation and reduce the amount of earth work by 650 cubic yards. The reduction may also reduce the impact to the trees at the rear of the lot; and

WHEREAS, the applicant’s own plans for the approved project demonstrates this project can provide parking spaces compliant with the City’s parking space width requirements; and

WHEREAS, no information has been submitted into the record that the requested waiver is necessary for the construction of the affordable housing units; and

WHEREAS, based upon such evidence and testimony, and the entire record of proceedings and matters of general knowledge to the City, including without limitation the Los Altos General Plan, the Los Altos Municipal Code and other laws, regulations, policies, procedures and requirements the City Council has determined that one or more of the findings specified in Government Code Section 65915 (e) (1) apply and, therefore, warrant denial of the Application; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the City Council’s findings and decision are hereby made are located in the Office of the City Clerk of the City of Los Altos; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby denies the application. This determination is based on the recitals set forth above together with the findings and determinations, as specified in California Government Code Section 65915(e)(1), as set forth in Exhibit A, each of which is based upon the evidence presented in the record as a whole and each of which provides a separate and independent basis for this decision.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of April, 2020 by the following vote:

AYES: ENANDER, LEE ENG, PEPPER
NOES: BRUINS, FLIGOR
ABSENT: NONE
ABSTAIN: NONE



Janis C. Pepper, MAYOR

Attest:


Jon Maginot, CMC, CITY CLERK

EXHIBIT A
FINDINGS

With regard to division of land application Modification MOD 20-0001, (the “Application”) the City Council makes the following findings in accordance with the California Government Code in California Government Code Section 65915(e)(1) and Section 14.28.040(H)(3) of the Los Altos Municipal Code:

14.28.040(H)(3). Denial of requested waiver. The reviewing authority may deny a request for a waiver under this section if it finds the waiver would:

a. Waive or reduce a development standard that would not have the effect of physically precluding the construction of a development meeting the criteria of this section at the densities or with the incentives permitted under this section; or

The applicant’s development plans approved by the City Council on November 27, 2018 demonstrates this project can provide parking spaces compliant with the City’s parking space width requirements of nine feet (9) not the request of reducing the stall width to 8 feet 5 inches. Additionally, no information has been submitted into the record that the requested waiver is necessary for the construction of the affordable housing units. Therefore, denying this waiver does not physically preclude the construction of the project.

b. Have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

The requested action by the applicant, namely to reduce the size of the parking stalls does not have an adverse impact upon the environment and therefore this finding is not applicable to this project.

c. Have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

None of the subject properties are listed on the California Register of Historic Resources and therefore this finding is not applicable to this project.

d. Be contrary to state or federal law.

The request is not contrary to state or federal law and therefore this finding is not applicable to this project.