

CITY OF MOUNTAIN VIEW
ENVIRONMENTAL PLANNING COMMISSION
RESOLUTION NO.
SERIES 2019

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A PLANNED COMMUNITY PERMIT AND DEVELOPMENT REVIEW PERMIT FOR A FIVE-STORY, 71-UNIT AFFORDABLE STUDIO DEVELOPMENT (INCLUDING ONE, 2-BEDROOM MANAGER'S UNIT) WITH A DENSITY BONUS REQUEST, A PROVISIONAL USE PERMIT FOR ROOFTOP AMENITIES ABOVE THE THIRD FLOOR AND RESIDENTIAL ACCESSORY USES UTILIZING THE GROUND FLOOR COMMERCIAL SETBACK AND A HERITAGE TREE REMOVAL PERMIT FOR THE REMOVAL OF EIGHT HERITAGE TREE(S) AT 950 WEST EL CAMINO REAL

WHEREAS, an application was received from 950 ECR LLC for a Planned Community Permit and Development Review Permit for a five-story, 71-unit affordable studio apartment development (including one, 2-bedroom managers's unit) and a Density Bonus request with five waivers from development standards, and a Provisional Use Permit for rooftop amenities above the third floor and residential accessory uses utilizing the ground floor commercial setback and a Heritage Tree Removal Permit for the removal of eight Heritage tree(s) on a 0.61-acre project site; and

WHEREAS, the Environmental Planning Commission held a public hearing on February 20, 2019, on said applications and recommended approval to the City Council subject to the required findings;

NOW, THEREFORE, BE IT RESOLVED by the Environmental Planning Commission of the City of Mountain View:

1. That the Environmental Planning Commission hereby recommends the City Council approve the Planned Community Permit pursuant to the following required findings in Sections 36.50.55 and 36.14.60 of the City Code:

a. The proposed use or development is consistent with the provisions of the P-38 (El Camino Real) Precise Plan. The proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments since the development complies with applicable El Camino Real Precise Plan development standards with the following requested waivers under State Density Bonus Law: (1) a building height of five stories and more than 55 feet in limited locations in lieu of the permitted four stories and 55 feet; (2) side setbacks of approximately 1 to 4 feet in lieu of the minimum 5 foot side setbacks; (3) 95 square feet of common usable open area per

unit in lieu of 175 square feet per unit.; (4) 32% open space in lieu of 40% required and; (5) 42% automobile paving coverage in lieu of 20% maximum. The project also meets key guiding principles of the El Camino Real Precise Plan, by implementing new streetscapes and a distinctive new building to create a more livable and beautiful corridor; promoting diversity and flexibility by providing new affordable housing units for a variety of population types (including military veterans) near commercial services, public parks and transit options; and designing a building that fits the site, with limited adjustments to standards;

b. The proposed use or development is consistent with the Mixed-Use Corridor land use designation of the General Plan, which encourages a mix of residential and commercial uses with a strong emphasis on providing affordable housing to serve a diverse Mountain View population;

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the development is an infill project served by available public infrastructure along a major developed corridor, would result in new affordable residential units convenient to existing public transportation and commercial services, and will comply with applicable health and safety codes verified through the City's building permit processes;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because the development substantially complies with applicable standards and/or the purpose and intent of the standards in the El Camino Real Precise Plan designed to integrate corridor development with surrounding areas. The project has also been reviewed and recommended for approval by the City's Development Review Committee, demonstrating the high-quality design of the development;

e. The residential development with a 5 percent density bonus and five requested waivers from development standards would not be a hazard or nuisance to the City at-large or establish a use or development inconsistent with the goals and policies of the General Plan, as further discussed in the findings herein;

f. The 71 affordable units can be accommodated by existing and planned infrastructures capacities in the City;

g. The project is a 100 percent affordable studio development, which would result in the provision of affordable housing consistent with the purpose and intent of State Density Bonus Law, the General Plan and other local affordable housing regulations;

h. The five requested waivers for building height, side setbacks, common usable open area, are necessary to construct the project with a 5 percent density bonus. The project is purposing a variety of funding sources for affordable housing development and no additional concessions or incentives are necessary, under State Density Bonus Law procedures, to ensure affordable housing costs of the project;

i. There are sufficient provisions to guarantee the dwelling units would remain affordable in the future as the project's development loans and funding sources require the 71 units be kept affordable to qualifying low- and very low-income residents for a minimum 55 year term, exceeding the State Density Bonus Law requirement of 30 years; and

j. The approval of the Planned Community Permit for the proposed project complies with the California Environmental Quality Act (CEQA) because the project qualifies as exempt pursuant to Section 15194 ("Affordable Housing Exemption") of the CEQA Guidelines because (1) the project meets all of the threshold requirements set forth in Section 15192 of the CEQA Guidelines; (2) the project site is less than five acres in area; (3) the project site is located within an urbanized area and has been previously developed for qualified urban uses; and (4) the project will develop less than 100 units available at rental rates that are affordable to low and very-low income households for a period exceeding 30 years.

2. That the Environmental Planning Commission hereby recommends the City Council approve the Development Review Permit pursuant to the following required findings in Section s 36.44.70 and 36.14.60 of the City Code:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and any City-adopted design guidelines since the development complies with applicable El Camino Real Precise Plan development standards with the following requested waivers under State Density Bonus Law: (1) a building height of five stories and more than 55 feet in limited locations in lieu of the permitted four stories and 55 feet; (2) side setbacks of approximately 1 to 4 feet in lieu of the minimum 5 foot side setbacks; (3) 95 square feet of common usable open area per unit in lieu of 175 square feet per unit.; (4) 32% open space in lieu of 40% required and; (5) 42% automobile paving coverage in lieu of 20% maximum. The project is also consistent with General Plan goals and policies applicable to projects in the El Camino Real Change Area, including policies LUD 3.5 (Diversity, LUD 6.3 (Street Presence), LUD 20.4 (Residential Design Transitions), and LUD 20.5 (Landscaped Pedestrian Amenities), as well as form and character guidance aimed at achieving improved pedestrian facilities, buildings engaging the street, minimized driveways, upper floor step backs, plazas and outdoor areas integrated with building entrances, building transparency and visually interesting structures;

b. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, etc.), is compatible with surrounding development because the building is set back significantly from residential uses to the north; uses frequent plane changes, deep window recesses, height variation and projects to provide strong articulation; and employs a mix of materials and colors to reflect the proposed architectural style, provide visual interest along the El Camino Real corridor and complement nearby development;

c. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, by providing wide, landscape sidewalks; provide side street access to the underground garage to avoid conflicts with high-traffic El Camino Real; preserving existing Heritage trees in key locations; and planting new attractive landscaping to enhance onsite amenities and public streetscapes;

d. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by planting screen trees along south and west property lines, reconstructing and enhancing the El Camino Real streetscape with new tree wells and Scarlet Oak street trees (consistent with the El Camino Real streetscape standards), creating a small, landscaped corner plaza linking public street frontages and the building entry, and planting a variety of landscape materials providing visual interest and complying with City Water Conservation in Landscaping regulations;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by providing a small garage with limited vehicle trips, placing garage access on the less-traveled side street, improving public sidewalks around the project site and limiting the height of improvements and/or promoting visibility in locations where vehicle and pedestrian access meet;

f. The residential development with a 25 percent density bonus and four requested waivers from development standards would not be a hazard or nuisance to the City at-large or establish a use or development inconsistent with the goals and policies of the General Plan, as further discussed in the findings herein;

g. The 67 affordable studio units can be accommodated by existing and planned infrastructures capacities in the City;

h. The project is a 100 percent affordable studio development, which would result in the provision of affordable housing consistent with the purpose and

intent of State Density Bonus Law, the General Plan and other local affordable housing regulations;

i. The four requested waivers for building height, rear setbacks, side setback and common usable open area are necessary to construct the project with a 25 percent density bonus. The project is purposing a variety of funding sources for affordable housing development and no additional concessions or incentives are necessary, under State Density Bonus Law procedures, to ensure affordable housing costs of the project;

j. There are sufficient provisions to guarantee the dwelling units would remain affordable in the future as the project's development loans and funding sources require the 67 units be kept affordable to qualifying low- and very low-income residents for a minimum 55 year term, exceeding the State Density Bonus Law requirement of 30 years; and

k. The approval of the Development Review Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because the project qualifies as exempt pursuant to Section 15194 ("Affordable Housing Exemption") of the CEQA Guidelines because (1) the project meets all of the threshold requirements set forth in Section 15192 of the CEQA Guidelines; (2) the project site is less than five acres in area; (3) the project site is located within an urbanized area and has been previously developed for qualified urban uses; and (4) the project will develop less than 100 units available at rental rates that are affordable to low and very-low income households for a period exceeding 30 years.

3. That the Environmental Planning Commission hereby recommends the City Council approve the Provisional Use Permit pursuant to the following required findings in Section 36.48.25 of the City Code:

a. The proposed uses are conditionally permitted within the El Camino Real Precise Plan and comply with all of the applicable provisions of the Zoning Ordinance, including roof deck locations that are oriented away the rear property line and adjacent residential uses, in keeping with the purpose and intent of the provisional use permit process for roof top amenities above the third level; and the design of ground-floor areas proposed to be used for residential accessory uses substantially complies with design guidelines intended to promote ground-floor transparency and streetscape engagement by building utilizing the ground-floor commercial setback standards;

b. The proposed use is consistent with the Mixed-Use Corridor land use designation of the General Plan, which accommodates residential uses;

c. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity based on substantial compliance with the purpose and intent of standards and design guidelines for balconies/roof decks (to preserve privacy for offsite residential uses) and for ground-floor commercial setbacks (window transparency and streetscape engagement for residential accessory uses);

d. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because the proposed uses are provisionally allowed and the design substantially addresses architectural standards and design guidelines; and

e. The approval of the Provisional Use Permit for the proposed use complies with the California Environmental Quality Act (CEQA) because the project qualifies as exempt pursuant to Section 15194 ("Affordable Housing Exemption") of the CEQA Guidelines because (1) the project meets all of the threshold requirements set forth in Section 15192 of the CEQA Guidelines; (2) the project site is less than five acres in area; (3) the project is located within an urbanized area and has been previously developed for qualified urban uses; and (4) the development will include less than 100 units available at rental rates that are affordable to low and very-low income households for a period exceeding 30 years.

4. That the Environmental Planning Commission hereby recommends the City Council approve the Heritage Tree Removal Permit pursuant to the following required findings in Section 32.35 of the City Code:

a. It is appropriate and necessary to remove the tree(s) due to the condition of the tree(s) with respect to age of the tree(s) relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services because of six of the eight trees (#70, 78, 86, 87, 89, and 90) are located within the proposed structure and have low suitability to be preserved. One other tree (#72) is located too close to the property line and nearby redwoods so it has low suitability for preservation. The final tree (88) is also located close to the property line and its canopy would have been too close to the western façade of the proposed building so it had a low suitability to be preserved.

b. It is appropriate and necessary to remove the tree(s) in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties because the removal

will allow construction of the proposed project and the Heritage trees will be replaced at double the amount to be removed.

c. It is appropriate and necessary to remove the tree(s) based on the nature and qualities of the tree(s) as a Heritage tree(s), including its maturity, aesthetic qualities such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood.

d. It is appropriate and necessary to remove the tree(s) to implement good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and replacement with young trees to enhance the overall health of the urban forest. Four new Scarlet Oak trees will be planted as street trees and thirteen dogwoods will be planted on the adjacent landscape portion of the sidewalk to compliment the Scarlet Oaks. The trees will be planted in locations that support their growth and provide a long term benefits to the pedestrian environment and screen the residential development from the roadway.

e. Removal of the tree(s) will not adversely affect the topography of the land or create soil erosion through diversion or increase flow of surface waters.

f. Removal of the tree(s) will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.

g. Removal of the tree(s) will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole.

h. The approval of the Heritage Tree Removal Permit for the removal of 3 Heritage trees complies with the California Environmental Quality Act (CEQA) because it is categorically exempt pursuant to Section 15304 ("Minor Alterations to Land"), which permits minor landscaping changes, including Heritage tree removals in conformance to local ordinance requirements.

5. That the Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit are recommended for approval subject to the applicant's fulfillment of all of the conditions which are attached hereto in Attachment A and incorporated herein by reference.

Attachment: A. Conditions of Approval