



DATE: June 18, 2019

CATEGORY: New Business

DEPT.: Community Development

TITLE: **Timing of Future Gatekeeper Application Hearing**

RECOMMENDATION

Staff requests Council direction on when the next Gatekeeper application hearing should be scheduled. If Council wishes to push out the tentatively scheduled October 2019 hearing, staff recommends it be deferred to the third quarter of 2020. Additionally, staff recommends that the Merlone Geier/Los Altos School District (LASD) Transfer of Development Rights (TDR) Gatekeeper authorization be considered in the fall, separate from the other Gatekeeper requests, and any other LASD TDR Gatekeeper requests be considered in a timely basis as required by the City's agreement with LASD.

BACKGROUND

At the Council Goal-Setting meeting on May 21, 2019, Council requested that the topic of timing for the next Gatekeeper application hearing be agendaized for discussion. Currently, the next Gatekeeper review hearing is proposed for October 2019.

ANALYSIS

Council Goals

With the adoption of the Council Goals, Council set the Planning Division's long-range work plan items for the next two years, which include the following:

1. Review and propose revisions to the R3 Zone standards that consider form-based zoning, incentivizing stacked flats, and updated Rowhouse Guidelines;
2. Develop a City-led Gateway Master Plan in the North Bayshore Area;
3. Amendments to the Downtown Precise Plan;

4. Amendments to the Historic Ordinance;
5. Update City documents, including the Density Bonus Ordinance, to implement new housing laws; and
6. Develop a Citywide Transportation Demand Management (TDM) Ordinance.

In addition, the following goals will require significant participation from the Planning Division:

1. Development of affordable housing at the VTA Evelyn Site; and
2. Planning/entitlement and building permit process for Lot 12.

Staff is also working on the following projects that are expected to be completed by the end of 2019:

1. East Whisman Precise Plan; and
2. Terra Bella Visioning and Guiding Principles Plan.

Gatekeeper Applications

In addition to Council goals, staff is currently reviewing 13 Gatekeeper application projects in various stages of the development review process and 10 approved Gatekeeper application projects in the Building Permit review/construction stage.

Gatekeepers were authorized through the Los Altos School District (LASD) Transfer of Development Rights (TDR) process on January 16, 2018 and May 22, 2018 (see Attachments 2 and 3). Council has authorized seven (7) TDR Gatekeepers to date located at:

1. 303-311 Ravendale Drive (under review).
2. 189 North Bernardo Avenue (under review).
3. 465 Fairchild Drive/636 Ellis Street (under review).
4. 355-415 East Middlefield Road (under review).
5. 301-381 East Evelyn Avenue (under review).

6. 2595 California Street/405 San Antonio Road (expired).

7. 400 Logue Avenue (under review).

The last formal Gatekeeper request hearing was on December 6, 2016, where Council considered 16 Gatekeeper applications. The following two applications were authorized to submit planning applications (see Attachment 1):

1. 2645-2655 Fayette Drive (under review).

2. 525-769 East Evelyn Avenue (approved by Council, Building Permits under review).

In addition, the following previously authorized Gatekeepers are currently being processed:

1. 555 West Middlefield Road (under review).

2. 360 South Shoreline Boulevard (under review).

3. 1001 North Shoreline Boulevard (under review).

4. 1720 Villa Street (approved by Council).

All gatekeeper applications authorized by the Council are currently active, except for the one on the Shenandoah site which is still on hold pending agreement by the Federal government to move forward. Council recently gave direction to work with the school district to explore their acquisition of the site.

Conforming Development Applications

Staff is also currently working on approximately 250 Planning applications in the Development Review or Building Permit review/construction phase. It is difficult for staff to predict the number of development applications that will be submitted for development "by-right" in the various zoning districts and precise plan areas, but based on history, staff anticipates a significant number of applications to continue to be submitted for the foreseeable future. It is also anticipated that a significant number of applications in the future East Whisman Precise Plan Area will be submitted if the Precise Plan is approved in the fall.

New Gatekeeper Requests

Staff initially planned a Gatekeeper hearing in June, and then it was pushed to October. Staff has received the following three Gatekeeper application submittals and anticipates additional applications closer to the announced application submittal deadline of August 2, including one or more in the Terra Bella area:

1. New Google Master Plan in the future East Whisman Precise Plan Area;
2. Rezoning request at 406 North Rengstorff Avenue; and
3. Authorization of the Merlone Geier LASD TDR Gatekeeper located at 2595 California Street/405 San Antonio Road.

Staffing and Timing of New Gatekeeper Applications

As noted in the Council Goals staff report, 1.0 FTE was available to work on Council goals. An additional Principal Planner was authorized for the Planning Division, and the position is expected to be filled in fall 2019. A number of the goals have a timeline of approximately 18 to 24 months and are likely to extend until the end of the goal period or July 2021.

Therefore, staff recommends that the Council consider delaying review of the Gatekeeper requests until the third quarter of 2020, when there is a better idea of available staff resources to process the applications.

However, staff recommends moving forward with reviewing the Merlone Geier/LASD TDR application in the San Antonio Precise Plan area. The LASD TDR Program required prospective developers to submit their development application utilizing the TDR square footage within one year of Council authorization; the Merlone Geier Gatekeeper authorization expired in January 2019. Since they did not submit a development application before this deadline, a new Gatekeeper authorization is needed to utilize the TDR square footage. Staff, therefore, recommends Council consider Merlone Geier's Gatekeeper application in fall 2019, consistent with the TDR Program Memorandum of Understanding (MOU), which commits the City to working collaboratively with LASD to implement the TDR Program and processing TDR Gatekeeper applications in a timely matter.

FISCAL IMPACT

None. Staff resources will be freed up for other priorities if Gatekeepers are pushed out.

PUBLIC NOTICING

Agenda posting and a copy of report to interested development community stakeholders.

Prepared by:

Stephanie Williams
Planning Manager/
Zoning Administrator

Approved by:

Daniel H. Rich
City Manager

Aarti Shrivastava
Assistant City Manager/
Community Development Director

SW-AS/2/CAM
818-06-18-19CR
190382

- Attachments: 1. Gatekeeper Request Staff Report, December 6, 2016
2. TDR Council Report, January 16, 2018
3. TDR Council Report, May 22, 2018