



## Legislation Details (With Text)

**File #:** 22-39      **Version:** 1      **Name:**  
**Type:** Public Hearing/General Business      **Status:** Agenda Ready  
**File created:** 12/22/2021      **In control:** Development Review Hearing  
**On agenda:** 1/12/2022      **Final action:**  
**Title:** Design Review of a new 120 apartment mixed-use affordable housing development at 3550 El Camino Real

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Plan, 2. Project Data, 3. Applicant Statement, 4. Compliance with Objective Standards Statement, 5. Density Bonus Statement, 6. PMM Staff Presentation, 7. PMM Applicant Presentation, 8. PMM Tirumalai Correspondence, 9. PMM Kaskowitz Correspondence

Date	Ver.	Action By	Action	Result
1/12/2022	1		Development Review Hearing	

## REPORT TO DEVELOPMENT REVIEW HEARING

### SUBJECT

Design Review of a new 120 apartment mixed-use affordable housing development at 3550 El Camino Real

**File No.:** PLN21-15294

**Location:** **3550 El Camino Real**, a 1.12-acre site located at the northwest corner of El Camino Real and Flora Vista Avenue; APN: 290-01-113; the property is zoned Thoroughfare Commercial (CT).

**Applicant:** Randi Gerson for Resources for Community Development

**Owner:** Champ Patel

**Request:** **Design review** of a new 120 apartment mixed-use affordable housing development. The proposal includes a renovation of an existing motel into a 43 long-term apartments and construction of a 7-story building for 77 below-market rate apartment units over parking and commercial space. The proposal will utilize State Bill 35 (SB35), Assembly Bill 3194, and State Density Bonus Law (Government Code Section 65915).

### Project Data

	Existing	Project
<b>Site Area</b>	A 1.12 acre site	Same
<b>General Plan Designation</b>	Regional Mixed-use	Same
<b>Zoning District</b>	Thoroughfare Commercial (CT)	Very High Density Mixed-use (VHDMU)

<b>Land Use</b> <i>square feet (sq)</i>	Motel	120 apartment mixed-use affordable housing development
<b>Stories</b>	Two	Seven (72ft)
<b>Parking</b>	63	81
<b>Flood Zone</b>	X	X

### **Project Description**

The project proposal includes the renovation of the existing motel to create a new, long-term affordable rental apartment with 43 units and a new 7-story mixed-use apartment building for 77 affordable units and 5,390 square foot of commercial space. The project will provide 1,575 square foot of commercial retail along El Camino Real frontage.

Vehicular access to the project will be provided by one two-way driveway on Flora Vista Boulevard. The propose proposes 81 parking spaces in the parking structure and surface parking lot. Bike storage area with capacity for 120 bikes and a repair/lounge area is included adjacent to the commercial space on El Camino Real.

### ***Residential Affordability:***

The proposed project is subject to three different residential affordability criteria per the State of California statutes and the SCMC as follows:

1. Gov Code § 65913.4 et seq. Senate Bill 35 (SB35) requires 50% of the units in an eligible housing project to be affordable units dedicated to households with incomes below 80% AMI, see Gov. Code § 65913.4(a)(4)(B).
2. Gov Code § 65915. State Density Bonus Law requires a rental project to provide 100% of its units to low-income households with incomes of less than 80% AMI to be eligible for an unlimited density bonus and up to four incentives, see Gov. Code § 65915(f)(3)(D)(ii).
3. SCMC Chapter 17.40. The City of Santa Clara requires rental properties of more than 10 units to provide 15% of the units at below-market rate rents. The rents must average to less than 100% AMI.

The project proposes 119 unit as low-income level with one unit reserved for property manager. The affordable units will be accomplished through a deed restriction and regulatory agreements with the City.

### **General Plan and Zoning Consistency**

The site has a Regional Mixed-use designation in the General Plan and the current zoning district is Thoroughfare Commercial, CT. The Regional Mixed-use designation allows a combination of residential with density up to 50 units per acre and a minimum commercial requirement of .15 Floor Area Ratio. State Density Bonus Law prohibits the City from imposing any maximum controls on density for 100% affordable housing project located within one half mile from mass transit. The project qualifies for infinite density with subject to height restriction. The applicant also provided a density bonus statement to further explain the proposed density bonus and requested concessions.

The zoning designation of CT does not all residential use. In order to proceed, the applicant is relying on AB 3194 to utilize the Very High Density Mixed-use (VHDMU) zoning district. That bill, which amended the Housing Accountability Act, allows development of a housing project without a

rezoning, if the zoning is inconsistent with the General Plan (Gov't Code § 65589.5(j)(4)). In order to utilize AB 3194, there must be a zoning designation that the project falls within and that is consistent with the General Plan, except for residential density.

The VHDMU zoning district is intended to provide for transit- and pedestrian-oriented mixed use development comprised of very high density housing over fifty (50) dwelling units per acre and up to and including one hundred twenty (120) dwelling units per acre in conjunction with local and regional serving commercial uses that link with existing and planned transit facilities to support and maximize transit use. This zoning designation would be consistent with the General Plan Regional Mixed-use designation and the state density bonus law. The proposed project meets the intent and the development standards for the VHDMU district.

### **Entitlement Process**

The project utilizes SB35 to streamline the approval process for affordable housing project. SB35 amends Government Code Section 65913.4 to require local government to streamline the approval of certain affordable housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements.

Under SB 35, the only applicable standards that can be applied to a qualifying project are those that are objective standards. The applicant complies with the City's objective standards and provided the attached "Compliance with Objective Standards Statement" with a list of applicable standards.

### **Community Meeting:**

The applicant team conducted a noticed Community Meeting via Zoom on August 31, 2021 at 6:00 p.m. The applicants mailed out flyers to property owners within 1,000 of the project site boundaries. The applicant team provided a presentation which was followed by community input. A total of 38 individuals participated in the Zoom meeting. The comments expressed focused on the design, traffic, parking, privacy for residential to the south, and affordable housing amenity and services.

### **ENVIRONMENTAL REVIEW**

Projects that comply with SB 35 and objective standards are ministerial and therefore not subject to CEQA review.

### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing of fees paid by the applicant.

### **PUBLIC CONTACT**

On December 23, 2021 a notice of public hearing of this item was mailed to properties within 1,000 feet of the project boundaries and was posted in three conspicuous locations within 300 feet of the project site. At the time of this staff report, Planning staff has not received public comments of this architectural review application.

### **CONCLUSION**

Staff finds the project in compliance with all objective design standards and approve the project design of a new 120 apartment mixed-use affordable housing development, subject to conditions.

Prepared by: Steve Le, Associate Planner, Community Development

Approved by: Lesley Xavier, Principal Planner, Community Development

**ATTACHMENTS**

1. Development Plan
2. Project Data
3. Applicant Statement
4. Compliance with Objective Standards Statement
5. Density Bonus Statement