



Midtown Residents Association
www.midtownresidents.org

September 25, 2004

Dear Council Members,

The Midtown Residents Association (MRA) respectfully asks you to **deny** this project (Item 6 – Court House Plaza Company Proposal to develop 195 Page Mill Road and 2825, 2865, 2873, 3891 2901 Park Boulevard). It is a project that no one likes - but developers and housing “*at any cost*” advocates. The Planning and Transportation Commission (PT&C) unanimously denied the project (a PT&C unanimous decision on housing is rare). The Planning Department also recommended that you to deny this project. On August 10, 2004, MRA wrote a letter – in your packet – to the PT&C detailing the many reasons for our recommendation for denial. CMR:422:04 fully explores these points; note worthy sections are Board/Commission Review & Recommendations (Page 7-8), Policy Implications (Page 9) and Attachment D.

This should NOT be a discussion of housing. This IS an appropriate site for housing...and we would like it to be so. You - the council - designated this site in December of 2002 as a potential site for housing in the adopted Housing element. The PT& C voted to recommend rezoning this area to higher density development - transit oriented residential with RM40 in August of 2003. RM 40 zoning would allow 101 residential units with 15 BMR units. That translates to 25 more housing units and 4 more BMR units than allowed by current zoning.

MRA requests that you follow the staff's recommendation **for council to give direction to the applicant on development parameters** for a subsequent re-submittal. We recommend that Council direct the applicant to return with a project that:

- Meets Comprehensive Plan objectives (L3, L5, L31)
 - L3 - Preserves views of foothills for many parts of Midtown West. Attachment D states that this project would likely remove views of the foothills. Require height of a maximum of 40'
 - L5 - *Maintain the scale and character of the neighborhood, avoid land uses that are overwhelming due to their size and scale.* Any future development should be appropriately scaled; we feel RM 40 with a height of 40 feet would accomplish this goal. According to city surveyor's map of elevations of these streets, Emerson Street is 5 feet below the elevation at the Park/Page Mill intersection. Thus any new project will start at 5' from Emerson Street eye level; every foot of additional height makes the project more overwhelming. Attachment D states clearly that this project would be taller than the surrounding buildings.
 - L 31 - *Respects the goals for the Cal-Ventura neighborhood well designed mixed use district with diverse land uses, two to three story buildings.* Attachment D states that this project does not comply with this policy.
- Is based on RM 40 (housing no commercial)
 - Project adheres to the height limit of 40 feet so that the view of the foothills will not be impacted. Note that this property's elevation is 5+ feet above the Midtown West Neighborhood.
 - The building, as submitted, is poorly massed and is out of scale with adjacent buildings and Cal-Ventura neighborhood.
- Does not require the city to vacate Page Mill Road Extension
 - Although there is a need for a green public park in this location, if this is allowed to be part of the project, we feel as stated by the staff report, this *could become more of a private than a public plaza* – page 7. Furthermore, vehicle entrances should be on Page Mill, not Park Boulevard; we feel this street should be maintained.

We would like the council to set the following conditions of approval for the project:

- **Dense landscaping** in the rear to mitigate visual impacts and light from the building to Midtown West residents. The most appropriate placement of landscaping is the setbacks areas. Require applicant adhere to required setbacks so that this landscaping can be accomplished.

- **Noise Mitigation including improved articulation of building facing railroad tracks:** Two leading architects suggested to me that the project should improve the rear articulation. Better design could include more balconies and trellis. These features would assist in mitigating a sound wall effect, which these architects felt was highly probable. Note, the applicant sound report is based on the effect on the new residents to this project and not on Midtown or Cal-Ventura neighbors.
- Design that produces **no light spill** beyond property lines. Landscaping would also provide needed mitigations. Require applicant to maintain setbacks. Night light from inside the building would be reduced if the building had fewer stories.
- Appropriate **traffic mitigation** at the Page Mill intersection – perhaps a light.

Why we are against the project (Covered in detail in our previous letter – key points highlighted here)

- Misses Major Comprehensive Plan Objectives
- Cannot meet any of the Planned Community zone findings. This should not be a PC just because the project is housing. The public benefits are lacking. (See CMR Attachment D)
- The mass and scale of the project is inappropriate and out of scale with neighborhood. It is TOO BIG – 2.3 times the current zoning for housing PLUS 50K commercial space. This is unacceptable density.
- Too Tall – This will impact views of foothills
- Inadequate rear articulation will act as a sound wall.
- No setbacks thus lacks ability to provide adequate landscaping for visual effects to Midtown West residents.
- Traffic Nightmares
- Project is under parked
- Inappropriate transfer of public land, and the claim it is a public benefit.
- Greater burden on city services.
- Potential for light spill to Midtown West. Note the current “alien green light night effect” from the Agilent building

Please deny this project and **send a strong message to this applicant and any future applicants**, that the Comprehensive Plan Policies should be honored with respect to density, mass, streetscape, views etc. Projects should be consistent with PAMC zoning.

Thank you for consideration of these points.



Annette Ashton
Chair, Midtown Residents Association