

# ATTACHMENT 2

## RESOLUTION NO. 2022-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, APPROVING A VESTING TENTATIVE SUBDIVISION MAP, INCLUSIONARY HOUSING AND DENSITY BONUS MODIFICATION FOR A 196-UNIT MULTIPLE-FAMILY DEVELOPMENT AT 5150 EL CAMINO REAL

**WHEREAS**, the City of Los Altos received a development application from Michael Ducote of Prometheus Real Estate Group, Inc. (Applicant), for a modification to a 196-unit multiple-family residential development at 5150 El Camino Real that includes a modification to an approved Vesting Tentative Subdivision Map, Inclusionary Housing, and Density Bonus allowances (application MOD22-0003), referred to herein as the “Project”; and

**WHEREAS**, said Project is located in the CT District, which allows multiple-family housing as a conditional use at a maximum density of 38 dwelling units per net acre of land; and

**WHEREAS**, said Project has a net site area of 3.80 acres (165,345 square feet), which will allow for a base residential density of 145 dwelling units; and

**WHEREAS**, the Applicant is offering 29 low-income affordable housing units for rental as part of the Project; and

**WHEREAS**, the Applicant’s proposed unit mix would consist of 20 percent of its base density as affordable, with 20 percent of the units affordable at the low-income level, thereby entitling the project to qualify for a density bonus, two concessions and additional concessions pursuant to Los Altos Municipal Code Section 14.28.046 and Government Code Section 65915, *et seq.*; and

**WHEREAS**, the City Council on December 10, 2019 by Resolution 2019-43 approved two concessions under Government Code Section 65915(d) and Los Altos Municipal Code Section 14.28.040 to allow: a) the two condominium buildings along El Camino Real to have a primary height of 56 feet, where the Code allows for 45 feet; and b) an on-site parking stall width of 8.5 feet for the parking spaces in the underground garage, where the Code requires an on-site parking stall width of nine feet on December 10, 2019; and

**WHEREAS**, the Applicant is eligible for and has requested a 35 percent density bonus to allow development of the Project pursuant to Government Code 65915 and Los Altos Municipal Code Section 14.28.046 and Table A in the Appendix to the Affordable Housing Ordinance; and

**WHEREAS**, the City Council approved on December 10, 2019 by Resolution 2019-43, a parking requirement alteration under Government Code Section 65915(p) and Los Altos Municipal Code Section 14.28.040 (which has since been moved to the Appendix to the Affordable Housing Ordinance per an amendment) to allow for a reduction in the parking requirement, inclusive of handicapped and guest parking, to allow for a reduction in the parking requirement to: 1) zero to one bedroom units, one onsite parking space, 2) two to three bedroom units, two onsite parking spaces, and for four and more bedroom units, two and one-half parking space on December 10, 2019; and

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**WHEREAS**, the Applicant is eligible for and has requested a waiver from the 75-foot site frontage requirement under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.046 to not require a minimum site frontage where Section 14.50.070 requires a minimum 75-foot site frontage for lot No. 2; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3 but no further environmental review is necessary; and

**WHEREAS**, State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) provides that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR or negative declaration shall be required for that project unless changes are proposed in the project and the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are new significant environmental effects due to a change in the project or circumstances, or there is new information of substantial importance as identified in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, the subject property was evaluated in 2019 with the approval of the 196-unit multiple-family development at 5150 El Camino Real. A Mitigated Negative Declaration (MND) was prepared for the project; and

**WHEREAS**, an MND was prepared and certified by the City Council as part of the 5150 El Camino Real Residential Development MND (SHC# 2019079050) on December 10, 2019; and

**WHEREAS**, based on staff's review of the Project, and as concurred in by the City Council in its independent judgment, no special circumstances exist that would create a reasonable possibility that the Project will have a significant effect on the environment beyond what was previously analyzed and disclosed or that would otherwise meet criteria specified in CEQA Guidelines Section 15162(a); and

**WHEREAS**, said Project has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, on June 16, 2022, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission recommended that the City Council approve the Project; and

**WHEREAS**, on August 23, 2022, the City Council held a duly noticed public meeting as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the Project; and

**WHEREAS**, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

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**WHEREAS**, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the modifications to the Project subject to the Findings (Exhibit A), the Conditions of Approval (Exhibit B) from Resolution 2019-43 with modifications to the Project, attached hereto and incorporated by this reference.

**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 23<sup>rd</sup> day of August 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, CITY CLERK

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## EXHIBIT A

### FINDINGS

1. **FINDING:** Finding that no further environmental review is necessary under CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

CEQA requires analysis of agency approvals of discretionary “Projects.” A “Project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (State CEQA Guidelines Section 15378).

The proposed Project is a project under CEQA. State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) provides that when a mitigated negative declaration (MND) adopted for a project, no subsequent EIR or MND shall be prepared for that project unless changes are proposed to the project and the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are new significant environmental effects due to a change in the project or circumstances, or there is new information of substantial importance as identified in State CEQA Guidelines Section 15162(a)(3). The project was evaluated in 2019 with the approval of the 196-unit multiple-family development. A Mitigated Negative Declaration (MND) were prepared and certified for the project titled the 5150 El Camino Real Residential Development MND (SHC# 2019079050), which was adopted in December 2019.

The proposed Project requests a modification to the approved vesting tentative map to subdivide the property from one lot to two lots. The tentative map does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment. No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the 5150 El Camino Real Residential Development MND. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, no further environmental review is required.

2. **SUBDIVISION FINDINGS.** With regard to Subdivision MOD22-0003, the City Council finds, in accordance with Section 66474 of the Subdivision Map Act of the State of California, as follows:

- a. The proposed subdivision is not consistent with the General Plan;

*This Finding cannot be made.* The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Thoroughfare Commercial and allows for higher density residential development. Specific applicable policies of the General Plan for creating one parcel to be further divided into 196 condominium units include Land Use Element Policies 2.2, 4.3 and 4.4, Housing Element Policy 4.3, and the Infrastructure and Waste Disposal Element Policies 1.3, 2.2 and 3.1. The subdivision is also consistent with the El Camino Special Planning Area

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within the Land Use Element. The subdivision is not within an area adopted as a specific plan area.

- b. The Project site is not physically suitable for this type and density of development in that the project meets all applicable Zoning requirements except where a density bonus, and development incentives have been granted;

*This Finding cannot be made.* The proposed subdivision has already been approved and no changes are proposed that would affect the physical layout of the project. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Commercial Thoroughfare and allows for higher density residential development. Specific applicable policies of the General Plan for creating one parcel to be further divided in 196 residential condominium units include Land Use Element Policies 2.2, 4.3 and 4.4, Housing Element Policy 4.3, and the Infrastructure and Waste Disposal Element Policies 1.3, 2.2 and 3.1. The subdivision is also consistent with the El Camino Special Planning Area within the Land Use Element. The subdivision is not within an area adopted as specific plan area.

- c. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage, or substantially injure fish or wildlife; and no evidence of such has been presented;

*This Finding cannot be made.* The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife based on the findings in the Mitigated Negative Declarations that the project, as mitigated, would have a less than significant environmental effect on the environment. No changes are proposed to the physical layout of the development. ;

- d. The design of the subdivision or type of improvements is likely to cause serious public health problems.; and

*This Finding cannot be made.* The design of the subdivision will not cause serious public health problems based on the findings in the Mitigated Negative Declarations that the project, as mitigated, would have a less than significant environmental effect on the environment. No changes are proposed to the physical layout of the development.

- e. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

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*This Finding cannot be made.* The design of the subdivision will not conflict with access easements because there are no known existing access easements encumbering this property.

3. AFFORDABLE HOUSING AND DENSITY BONUS FINDINGS. With regard to the offered below market rate units and requested density bonus, and concessions and parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.046, as follows:
  - a. The Applicant is offering 29 affordable units for rent at the low income, which is 20 percent of the Project's base density, and qualifies the Project for a 35 percent density bonus, two concessions, and a parking requirement alteration, as well as unlimited development standard waivers;
  - b. Per State Density Bonus Laws and the Appendix to the Affordable Housing Ordinance, a project that offers 20 percent of its total units (base density) as low income restricted affordable units shall be granted a density bonus of 35 percent, and a project that offers 17 percent or more of its total units (base density) as low income restricted affordable units shall be granted two (2) concessions. Since the Project is providing 20 percent of its total units as affordable at the low-income level, the City shall grant a density bonus of at least 35 percent and two (2) concessions;
  - c. Per Government Code Section 65915(e) and Section 14.28.046, the City shall grant a waiver or reduction of development standards that have the effect of physically precluding the construction of a development in addition to the density bonus and concessions permitted by the Code. Consistent with these requirements, the applicant is requesting a complete waiver from the requirement for a 75-foot street frontage for lot No. 2.

With regard to the waiver, it can be supported by the fact that implementation of this Zoning Code standard physically precludes the construction of the development and the facilities. The waiver request appears appropriate and reasonable for a project of this size and scope. To provide appropriate vehicular and emergency vehicle access to the site, appropriate and reasonable access and entry spaces to the ground level townhouse, 26-foot wide lanes with emergency vehicle access (EVAE) and private access and utility easement (PAUE) easements, and four- to seven-foot wide pedestrian access easements along the east and west sides of lot No. 1 for pedestrian access to lot No. 2. Thus, the requested waiver would not have a specific, adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to very-low-income and moderate-income households.

With regard to the waiver, there is sufficient evidence currently in record that the waiver would not have a specific adverse impact upon on any real property that is listed in the California Register of Historical Resources due to the property not being a historic resource or historic landmark listed on federal, state or local inventories. A structure

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would be considered eligible for designation as a historic resource under the City's Historic Preservation Ordinance if it satisfies each of the three criteria identified in the Ordinance - Age, Determination of Integrity, and Historic Significance. Because the existing building on the site was constructed in 1983, it would not satisfy the Age criterion and would not be eligible as for designation as a historic resource.

With regard to the waiver, there is not sufficient evidence currently in record that granting any waiver or reduction that would be contrary to state or federal law.

- a. The proposed project provides for a variety of housing types in a variety of income categories, including low-income units, and retaining the affordability of these units for 99 years allows the conservation of the City's affordable housing stock for the long term.
- b. The proposed project, as conditioned, provides for the long-term affordability of housing units that further the Goals, Policies, and Programs of the 2015-2023 Housing Element of the Los Altos General Plan.

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## EXHIBIT B

### CONDITIONS

#### GENERAL

##### 1. **Approved Plans**

The project approval is based upon the plans documentation received on ~~November 20, 2019~~May 20, 2022, except as modified by these conditions.

##### 2. **Affordable Housing**

The project shall provide the City 298 below market rate units as follows:

- a. Fourteen (14) one-bedroom condominium units at the low-income level; and
- b. Fifteen (15) two-bedroom condominium units at the low-income level;
- ~~c. Twelve (12) one-bedroom condominium units at the very low income level;~~
- ~~d. Four (4) two-bedroom condominium units at the very low income level;~~
- ~~e. Nine (9) two-bedroom condominium units at the moderate income level;~~
- ~~f. Two (2) two-bedroom townhouse units at the moderate income level; and~~
- ~~g. One (1) three-bedroom townhouse unit at the moderate income level.~~

##### 3. **Exterior Lighting**

- a. Any exterior lighting above the ground floor on the sides and rear of the condominium and townhouse buildings shall be shrouded and/or directed down to minimize glare.
- b. All ground level exterior lighting along pathways, in common areas and as part of the landscaping shall incorporate the lowest wattage necessary to comply with applicable Building and Energy Codes and shall be designed to face downward and away from shared property lines to minimize off-site glare.

##### 4. **Rear Yard Landscape Buffer**

- a. The existing grade within five (5) feet of the rear property line within the 20-foot landscape buffer should be maintained to the greatest extent feasible.
- b. The existing potocarpus trees along the rear property line shall be maintained to the greatest extent feasible.
- c. The existing fence along the rear property line shall be maintained, repaired and/or replaced based on consultations with the owner(s) of each adjacent property.
- d. Grading and trenching shall be minimized within the dripline of any tree that is directly adjacent to the property line. If grading or trenching within a tree dripline is required, it shall be done under supervision of a licensed arborist and the owner of the tree shall be notified in advance.

##### 5. **Phased Parking**

Once construction is initiated by the developer, there shall be continuous progress without phasing of the development. The project shall provide the resident and guest parking spaces required for the rental and townhouse units ~~The project shall provide the resident and guest parking spaces required for the condominium and townhouse units developed during each phase of the development and shall provide such spaces, if not available in the underground~~



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~~garage, at a paved location on-site where the parking spaces and drive aisles are adequately delineated. A phase of development not completed will be developed as activated space within 12 months of certificate of occupancy.~~

## 6. Phase Development

Once construction is initiated by the developer, there shall be continuous progress without phasing of the development. ~~If a phase of development is not completed, the undeveloped area shall be developed as activated space within 12 months of the certificate of occupancy.~~

## 7. Tree Preservation

The applicant shall use best efforts, as reasonably determined by the Community Development Director, to preserve tree number six as identified in the arborist report dated May 8, 2018.

## 8. Bicycle Parking

The project shall be updated to include additional grade level Class I and II bicycle parking spaces.

## 9. Transit Facility Enhancements

The development project shall coordinate with the Santa Clara County Valley Transportation Authority (VTA) to preserve the existing bus stop along the southern project frontage both during and post construction. During construction the transit facility cannot be blocked or relocated without approval from the VTA. Upon completion of project construction, the transit stop must be accommodated within the project's frontage improvements and include a new illuminated shelter with a dynamic message board facility for use by the City and VTA for community outreach efforts. The shelter and dynamic message board will be selected with input from both the VTA and City of Los Altos and be maintained by the frontage including refuge pick-up. The transit facility shall include enhanced red transit stop roadway markings and signage to highlight the facility and restrict parking. Based upon VTA input, the transit facility may also include additional enhancements to accommodate ride share drop off and pick up of residents and micro-mobility facilities such as electric bike share and other regional systems.

## 10. Parking Restrictions along El Camino Real

The project frontage, including the portion of El Camino Real north of the project site to Distel Drive shall include parking restrictions to accommodate future enhanced bicycle facilities for southbound El Camino Real.

## 11. Route to School Maps

A Route to School map shall be developed and provided to residents identifying the suggested Routes to School. The map shall be maintained and regularly updated to ensure accurate and safe routes to school.

## 12. Encroachment Permit

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. *Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

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## 13. Public Utilities

The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

## 14. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA).

## 15. Stormwater Management Plan

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

## 16. Sewer Lateral

Any proposed sewer lateral connection shall be approved by the City Engineer.

## 17. Transportation Permit

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

## 18. Affordable Units

The Project's below market rate units shall be constructed concurrently with the market rate units.

## 19. Indemnity and Hold Harmless

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.

## PRIOR TO SUBMITTAL OF BUILDING PERMIT

## 20. Green Building Standards

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

## 21. Property Address

The applicant shall provide an address signage plan as required by the Building Official.

## 22. Screening Trees

The project shall address privacy screening trees as follows:

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- The landscape plan shall provide fast-growing evergreen screening trees along the side property lines (east and west) and rear property lines (south) as required by the Community Development Director.
- All evergreen screening trees within the rear yard adjacent to the rear property line shall be at the approximate heights at 2 years growth as represented on the project architect's submittal dated November 20, 2019. The trees shall be planted as soon as practicable after building permit issuance to minimize views of the townhouses and condominium buildings.
- Along rear property line, the evergreen screening trees shall be planted a distance of 5' to 10' from the rear property line in a staggered manner so that they are not lined up parallel to the rear property line.
- The applicant shall work with the City to preserve trees along El Camino Real.
- The applicant shall work with the neighbors whose rear yard backs up to the project site, and who are interested, to plant trees on the neighbor's private property at the rear line of their fence to address privacy concerns.

## 23. Fence

The project plans shall be revised to incorporate fences along the side (east and west) property lines and south (rear) property line with a minimum height ten feet based on consultations with the owner(s) of each adjacent property for the purpose of attenuating noise and improving privacy.

## 24. Common Open Space

The project plans shall revise the common open space area to provide family- and children-oriented open space and amenities, including, but not limited to a playground for young children, dedicated area for dogs, outdoor cooking facilities, and other family-oriented amenities.

## ~~25. Affordable Units~~

~~Upon completion of first phase of the project (indicated as the townhomes), three townhouses shall not be sold for five years from the date of occupancy and shall be held by an entity controlled by Dutchints Development. If the second or third phase are not initiated within five years from completion of Phase 1, the three unsold townhouse units shall be dedicated as affordable units.~~

## 25. Affordable Unit Term

All below market residential units subject to this approval shall remain affordable for the maximum period provided by law.

## 26. Parkland Dedication

The applicant and City shall enter into good faith negotiations toward executing a memorandum of understanding (MOU) or Exclusive Negotiating Agreement (ENA) prior to issuance of the project's first building permit. ~~by January 31, 2020 that~~ The agreement would allow the city and applicant/developer to negotiate the terms of an agreement that will provide a public park at 745 Distel Drive. The agreement shall:

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- a. Provide for a “turn key” park and detail the process by which the park design will be developed and approved.
- b. Provide for payment to the city of the difference between the total cost of the park and the in-lieu park fee amount that would otherwise be paid.
- c. Require the payment of the estimated difference between the total cost of the park and the otherwise required in-lieu fee at the time of issuance of the first building permit for the project.
- d. Include an “opt-out” clause.

In the event that an MOU or ENA is not executed by the parties prior to issuance of the project’s first building permit, the applicant shall instead pay the applicable in lieu park fee.

## 27. Water Efficient Landscape Plan

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City’s Water Efficient Landscape Regulations.

## 28. Air Quality Filtration and Ventilation Requirements

The project shall install air filtration at residential units exposed to annual PM<sub>2.5</sub> exposure above 0.3 µg/m<sup>3</sup>. To ensure adequate health protection to sensitive receptors, a ventilation system is proposed to meet the following minimal design standards:

- a. Install air filtration in residential buildings. Air filtration devices shall be rated MERV13 or higher for portions of the site that have annual PM<sub>2.5</sub> exposure above 0.3 µg/m<sup>3</sup>. The ventilation system, whether mechanical or passive, shall filter all fresh air circulated into the dwelling units.
- b. As part of implementing this measure, an ongoing maintenance plan for the buildings’ heating, ventilation, and air condition (HVAC) air filtration system shall be required.
- c. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

## 29. Noise Level Requirements

To ensure consistency with the General Plan and Noise Control Ordinance, the applicant shall incorporate the following requirements into the project design:

- a. When refining the project’s site plan, locate outdoor use areas away from El Camino Real and continue to shield noise-sensitive outdoor spaces with buildings or noise barriers where feasible.
- b. Provide a suitable form of forced-air mechanical ventilation, as determined by the building official, for all residential buildings, so that windows can be kept closed to control noise.
- c. Provide sound-rated windows to northeast, northwest, and southeast facing condominium units to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Rating of 33 to 34 would be satisfactory for units fronting El Camino Real and windows with minimum STC Rating of 28 to 29 would be satisfactory for northwest and southeast facing condominium units to achieve acceptable interior noise levels, assuming a wall construction with STC 46 or greater and 40 percent

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windows or less. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project once final building plans and elevations are available.

### **30. Traffic Signal Modification at El Camino Real and Rengstorff Avenue**

The traffic signal facility at the intersection of El Camino Real & Rengstorff Avenue shall be revised to be consistent with the current State of California design standards. Traffic signal modification shall be coordinated with the California Department of Transportation – Caltrans and the City of Mountain View and modifications may include new pole standards replacement, curb ramp reconfiguration, accessible pedestrian signal upgrades for ADA accessibility, bulb-out improvements for mobility enhancements, streetlight upgrades, and other improvements necessary to comply with planned Caltrans and City of Mountain View Grand Boulevard design standard for El Camino Real. It shall be the responsibility of the developer and their contractor agents to obtain any necessary Encroachment Permits from both Caltrans and the City of Mountain View prior to the commencement of work and approval of off-site improvement plans by the City. The traffic signal modification plan shall include a photometric analysis of the intersection to help identify necessary lighting upgrades to maintain an average 4.0 foot-candle light distribution through the entire intersection.

### **31. Intersection Driveway Configuration**

The new driveway configuration for the 5150 El Camino Real project shall include a detached driveway at the El Camino Real & Rengstorff Avenue intersection, with both aligning with movements on the Rengstorff Avenue side of the intersection, and maintain clearly defined pedestrian access through the intersection across the driveway with traffic signal controls.

## **PRIOR TO FINAL MAP RECORDATION**

### **32. Covenants, Conditions and Restrictions**

The applicant shall include provisions in the Covenants, Conditions and Restrictions (CC&Rs) as follows:

- a. Along rear property line – trees shall be planted a distance of 5’ to 10’ from the rear property line in a staggered manner so that they are not lined up parallel to the rear property line.
- b. Storage on private patios and decks shall be restricted; and rules for other objects stored on private patios and decks shall be established with the goal of minimizing visual impacts.
- c. Long-term maintenance and upkeep of the landscaping and street trees, as approved by the City, shall be a duty and responsibility of the property owners. Specifically, the landscape buffer, including both trees and landscaping, along the rear property line shall be permanently maintained as required by the CT District per Municipal Code Section 14.50.110(C).
- d. Both parking spaces in a tandem space shall be owned by the same unit and cannot be owned or used by separate units.
- e. The parking spaces on the dead-end drive aisles should be reserved for residents and guest parking spaces should be located near the driveway ramp.
- f. The maintenance, upkeep, and replacement of any removed plant or tree as shown on the project landscape plan and on-going maintenance of street trees, as approved by the City, shall be a duty and responsibility of the property owners in perpetuity.

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## 33. Pedestrian Access Easement

The applicant shall dedicate to the public ~~the portion of~~ the public sidewalk along the El Camino Real frontage that is on the project site to the City of Los Altos for use as a pedestrian access easement, and a private access easement along the east and west side of the two-five-story buildings and along the townhouses for use as a private pedestrian access easement. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos and private easement in accordance with the CC&Rs for the project.

## 34. No Build Easement

The applicant shall record a seven-foot wide no build easement for along the south property line of Lot No. 1 above grade over which no buildings shall be constructed.

## 35. Emergency Vehicle Access Easement

The applicant shall dedicate the roadway along the east and west side of the two-five-story buildings and along the townhouses to the City of Los Altos for use as an emergency vehicle access easement. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos.

## 36. Public Utility Dedication

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

## 37. Payment of Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in-lieu fees, traffic impact fees as modified by Condition No. 26, affordable housing impact fees, public art impact fee and map check fee plus deposit as required by the City of Los Altos Municipal Code.

## PRIOR TO ISSUANCE OF BUILDING PERMIT

## 38. Final Map Recordation

The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

## 39. Well Destruction

Prior to a final on the grading permit, any on-site well(s) encountered shall be removed or mitigated to eliminate hazards associated with abandoned wells, subject to any required permits from the Department of Environmental Resources, Santa Clara Water District and in accordance with all laws and policies (Santa Clara County and California State Model Well Standards).

## 40. Electric Vehicle Charging and Electric Vehicle Ready Stalls



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The project plans shall show the electric vehicle charging (EVC) stalls and electric vehicle ready (EVR) stalls consistent with the project plans received on November 20, 2019 or the Los Altos Municipal Code, whichever results in the greater number of EVC or EVR stalls.

## 41. Photovoltaic Panels and System

The project plans shall show the photovoltaic panels and system consistent with the project plans received on November 20, 2019 or the Los Altos Municipal Code, whichever results in the greater number of photovoltaic panels and system.

## 42. Affordable Housing Agreement

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the ~~Community Development~~ Development Services Director and the City Attorney, that offers 298 below market rate rental units affordable to low-income households, for ~~an indefinite period 99 years, as defined in Condition No. 2~~. The below market rate units shall be constructed concurrently with the market rate units, shall be provided at the location on the approved plans, and shall not be significantly distinguishable with regard to design, construction or materials. Upon completion of the townhouses on Lot No. 2, five townhouses shall not be sold for five years from the date of occupancy and shall be held by an entity controlled by Prometheus Real Estate Group, Inc. If 172 rental units on Lot No. 1 are not initiated within five years from completion of townhouses, the five unsold townhouse units shall be dedicated as affordable units. If the 172 rental units on Lot No. 1 are initiated within five years from the completion of the townhouses, the condition for five unsold townhouse units be dedicated as affordable will terminate.

## ~~43. Affordable Housing~~

~~Within 30 days of project approval, the applicant shall enter into a Memorandum of Understanding with a third party affordable housing developer to use best efforts to explore and effectuate financing options for the purchase and management of up to an additional 58 market rate units in the Project to be dedicated as affordable rental units.~~

## 43. Performance Bond

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100-percent performance bond and 50-percent labor and material bond (to be held six months after acceptance of improvements) for the public right-of-way work.

## 44. Maintenance Bond

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

## 45. Stormwater Management Plan

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

## 46. Storm Water Filtration Systems

# ATTACHMENT 2

The applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

## 47. Grading and Drainage Plan

The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer.

## 48. Sewage Capacity Study

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer.

## 49. Construction Management Plan

The applicant shall submit a construction management plan on a monthly basis for review and approval by the Community Development Director and the City Engineer that includes the following:

- a. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, staging area, pedestrian protection, material storage, earth retention and construction vehicle parking. The staging area shall remain in one location at the project site. All construction parking shall occur on-site or locations approved by the Community Development Director. No construction parking shall be permitted in residential neighborhoods.
- b. Applicant, Developer, or Contractor shall designate a "disturbance coordinator" who can address complaints/concerns/issues/questions related to construction or development during, including dust control and excessive vibration, all phases of the project and provide the City of Los Altos with the name and contact information of the person appointed to this position.
- c. Applicant, Developer, or Contractor shall post publicly visible sign(s) with the telephone number and name of "disturbance coordinator" and include copy on the sign indicating that this is the project contact who can address complaints/concerns/issues/questions related to construction or development during all phases of the project.
- d. Applicant/Developer/Contractor shall maintain and submit a copy to the City of Los Altos Community Development Department a log of all complaints/concerns/issues/questions related to construction or development during all phases of the project. The log shall provide a description of the complaint/concern/issue/question at hand and the efforts taken to address them. Every effort shall be made to respond to a submitted complaint/concern/issue/question within 24 hours.
- e. All vehicles involved with or related to the construction of this project shall be limited to parking on the project site or the property at 745 Distel Drive. There shall be no construction parking of any type in any of the neighboring residential areas and all involved in the construction and development of this project shall be notified verbally and in writing of these limitations and provided with maps of approved parking locations.



# ATTACHMENT 2

- f. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

## **50. Solid Waste Ordinance Compliance**

The applicant shall be in compliance with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs.

## **51. Solid Waste and Recyclables Disposal Plan**

The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type, size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

## **52. Sidewalk Lights**

The applicant shall maintain the existing light fixture and/or install new light fixture(s) in the El Camino Real sidewalk as directed by the City Engineer.

## **PRIOR TO FINAL OCCUPANCY**

## **53. Condominium Map**

The applicant shall record the condominium map as required by the City Engineer.

## **54. Landscape and Irrigation Installation**

All on- and off-site landscaping and irrigation shall be installed and approved by the Community Development Director and the City Engineer. Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

## **55. Signage and Lighting Installation**

The applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

## **56. Green Building Verification**

# ATTACHMENT 2

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

## **57. Acoustical Report**

The applicant shall submit a report from an acoustical engineer ensuring that the rooftop mechanical equipment meets the City's noise regulations.

## **58. Sidewalk in Public Right-of-Way**

The applicant shall install new sidewalk, vertical curb and gutter, and driveway approaches from property line to property line along the frontage of El Camino Real as shown on the approved plans and as required by the City Engineer.

## **59. Public Infrastructure Repairs**

The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of El Camino Real and Jordan Ave. if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.*

## **60. Maintenance Bond**

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

## **61. SWMP Certification**

The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.

## **62. Bicycle Pathway**

A pathway (painted) shall be shown on the lower level basement floor plan to delineate a pathway from the elevator to the bicycle storage lockers on the lower basement level.