

**RESOLUTION NO. PC 2024-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS APPROVING A DESIGN REVIEW AND CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A FIVE-STORY, MIXED-USE DEVELOPMENT WITH 33 RESIDENTIAL UNITS, 16,140 SQUARE FEET OF OFFICE, AND A TWO-LEVELS OF UNDERGROUND PARKING WITH A STATE DENSITY BONUS WITH WAIVERS AT 4896 EL CAMINO REAL**

**WHEREAS**, the City of Los Altos received a development application from Doheny-Vidovich Partners (Applicant), for a new mixed use project including 33 multi-family units and 16,140 square feet of office at 4896 El Camino Real that includes Design Review Application No. D23-0011 and Conditional Use Permit Application No. CUP23-0001, referred to herein as the “Project”; and

**WHEREAS**, said Project applied for an SB330 Preliminary Application on June 15, 2023; and submitted the formal Planning applications within 180 days with a substantially consistent project scope. Pursuant to the Housing Crisis Act of 2019 (SB 330), said Project shall be subject to the City’s development standards and applicable fees effective as of the submittal date of June 15, 2023; and

**WHEREAS**, said Project is located in the CT District, which allows mixed-use projects including multi-family residential use and non-residential use as a conditional use; and

**WHEREAS**, said Project has a gross site area of 0.91 acres (39,640 square feet), which will allow for a base residential density of 35 dwelling units pursuant to the Government Code Section 65915, et seq; and

**WHEREAS**, said Project will demolish a drive-through, fast-food restaurant, Jack in the Box, and surface-level parking fronting El Camino Real and a single-family residence fronting Jordan Avenue on the subject site; and

**WHEREAS**, the existing single-family residence that will be demolished for the Project is occupied by three tenants in two households; and one of the household is a Protected Tenant pursuant to the Housing Crisis Act of 2019; and

**WHEREAS**, the Applicant will provide the tenant relocation assistance to the Protected Tenant pursuant to the California Government Code Section 65589.5 (Housing Crisis Act of 2019, SB330), 7260 (California Relocation Assistance Law), and California Code of Regulations Title 25; and a Tenant Relocation Plan was posted on the City’s website for 30 days to provide the public with an opportunity to comment; and

**WHEREAS**, the Project is a housing development that contains at least one of the features described in Section 65915, et seq (Density Bonus Law) to qualify for a density bonus, and all other eligibility requirements have been met because the Project is proposing three moderate

income and two very-low income affordable housing units for sale as part of the Project and will replace existing units consistent with State Law; and

**WHEREAS**, the Applicant’s proposed unit mix would consist of 33 units, two of which will be protected at a very low-income level and three of which will be protected at moderate-income level, thereby entitling the project to qualify for one incentive, unlimited waivers, and parking standard pursuant to Government Code Section 65915, et seq (Density Bonus Law); and

**WHEREAS**, the Applicant has elected to utilize 10 waivers under Government Code Section 65915(e) to allow deviations from Maximum Height, Floor Area Ratio, Front Yard Setback, Rear Yard Setback, Building Mass and Articulation, Vertical Articulation, Pedestrian-Scaled Entrances, Storefront Facades Adjacent to Storefront Facades, Ground Floor Floor-to-Ceiling Height, and Roofline and Roof Design; 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**, the Planning Commission held a duly noticed public hearing to consider the Project on November 21, 2024 and considered the written record and all public comment; 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

**WHEREAS**, the findings and conclusions made by the Planning Commission 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**, approval of the Project is categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because the 0.91 acre project site is considered an in-fill site that is substantially surrounded by urban uses and does not contain significant natural habitat for endangered, rare or threatened species; the proposed development is consistent with the General Plan and the CT Zoning District’s Effective Zoning Standards except as modified by Density Bonus Law and will not result in any significant impacts relating to traffic, noise, air quality, or water quality; the site can be served by all required utilities and public services; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Los Altos hereby approves Design Review Application No. D23-0011 and Conditional Use Permit Application No. CUP23-0001 for a mixed-use development including 33 multi-family units and 16,140 square feet of office, based on the following findings attached hereto as “Exhibit A” and conditions of approval attached hereto as “Exhibit B” and incorporated by this reference.

# EXHIBIT A

## FINDINGS

### **Design Review**

With regard to the design review for the Project, the Planning Commission finds the following pursuant to Section 14.78.060 of Los Altos Municipal Code (LAMC):

- A. The Project aligns with the goals, policies, and objectives outlined in the General Plan and adheres to the applicable provisions of the objective design guidelines and ordinance design criteria for the Commercial Thoroughfare (CT) Zoning District. The Project meets all zoning standards, with the exception of 10 specific deviations, which are permitted through requested waivers pursuant to Government Code Section 65915, et seq. (Density Bonus Law).
- B. The Project demonstrates architectural integrity through cohesive design elements, including consistent facade treatments, articulation, quality materials, window styles, railings, and color palette across all elevations. The structure maintains an appropriate relationship with surrounding properties, matching in height, massing, floor elevations, and number of stories, creating harmony within the neighborhood's modern architectural style.
- C. The Project's design effectively relates to the human scale through thoughtful horizontal and vertical articulation. Forecourts facing both El Camino Real and Jordan Avenue provide sufficient depth and visual interest to prevent large, blank wall surfaces. The Project further signals habitation with identifiable, pedestrian-scaled entrances, along with bays and balconies that enhance the building's residential character and connection to the street.
- D. The Project incorporates durable, high-quality materials that convey a sense of permanence and enhance its architectural integrity. Cement plaster and metal panels are prominently used on the building's main facade, while a colorful stone veneer grounds the structure as a base material, complemented by a flat roof design with PVC and parapet walls. Architectural details such as metal eaves, awnings, stainless-steel balcony railings, and aluminum-clad wood windows further contribute to the design. These materials and finishes work effectively reduce the perceived height, bulk, and mass of the building, harmonizing with other structures in the immediate area.
- E. The Project's landscaping plan is designed to be both generous and inviting, complementing the building's architecture and integrating with the surrounding streetscape. Four protected trees and two street trees will be preserved, maintaining existing natural elements where feasible. Due to poor conditions and grading constraints, 13 protected trees will be removed, with the landscape plan compensating for this by introducing 18 new trees, achieving a replacement ratio exceeding 1:1. Additional shrubs, ground cover, and thoughtfully designed hardscape enhance the building's architecture, contributing to a cohesive and welcoming environment.

- F. No signage is currently proposed as part of the Project. If any signage is introduced, it shall be reviewed under Chapter 14.68 sign regulations to ensure compatibility with the building's architecture, including alignment in style, materials, colors, and proportions, thereby maintaining architectural cohesion.
- G. The Project ensures that all mechanical equipment is fully screened from public view using parapet walls designed to complement the building architecture. These parapets are proportionate to the overall structure and are constructed with the same cement plaster material as the building, incorporating metal coping details that align with the accent colors and materials of the design, creating a cohesive and integrated appearance.
- H. The Project effectively conceals service, trash, and utility areas from public view, integrating them within the building's design. All trash, electrical, and service rooms are situated internally, ensuring they remain out of public view. A PG&E transformer, for maintenance purposes by PG&E, is positioned along Jordan Avenue; however, it has been strategically located near the rear property line to minimize visibility from El Camino Real, maintaining the architectural integrity of the facade.
- I. The Project is categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because the 0.91 acre project site is considered an in-fill site that is substantially surrounded by urban uses and does not contain significant natural habitat for endangered, rare or threatened species; the proposed development is consistent with the General Plan and the CT Zoning District's Effective Zoning Standards except as modified by Density Bonus Law and will not result in any significant impacts relating to traffic, noise, air quality, or water quality; the site can be served by all required utilities and public services; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

## **Conditional Use Permit**

With regard to the Conditional Use Permit for the Project, the Planning Commission finds the following pursuant to Section 14.80.060 of Los Altos Municipal Code (LAMC):

- A. The proposed location for the conditional use is deemed desirable and essential to the public health, safety, comfort, convenience, prosperity, and welfare. This mixed-use project, which combines multi-family residential units with office space, aligns with the policies and goals outlined in the General Plan and is consistent with other developments in the surrounding area. By integrating residential and commercial uses, the project fosters a vibrant community, promotes local economic growth, and enhances the overall livability of the neighborhood.
- B. The proposed location of the conditional use complies with the objectives of the zoning plan outlined in Chapter 14.02 of this title. The CT Zoning District permits a variety of commercial and multi-family residential uses, which are compatible with the existing uses on adjacent properties. This alignment ensures that the project supports the intended development patterns of the zoning district and contributes to a cohesive urban environment.
- C. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the mixed use of multi-family residential and office is compatible with the residential and commercial uses that are permitted on the subject site and surrounding properties within the CT Zoning District.
- D. The proposed conditional use will comply with the regulations established for the CT Zoning District, with the exception of certain deviations requested through waivers pursuant to the Density Bonus Law. These waivers are necessary to accommodate the mixed-use development, which aligns with the district's intent and enhances compatibility with existing uses. Overall, the proposal adheres to the general provisions outlined in Chapter 14.02, ensuring that it supports the goals of the zoning plan while addressing the needs of the community.
- E. The proposed conditional use will provide a total of 111 parking spaces, comprised of 57 spaces designated for multi-family residential use and 54 spaces for office use. Additionally, the project will offer 70 bicycle parking spaces, which include 10 short-term and 60 long-term spaces. The parking spaces provided are deemed adequate to support the facility, accommodating staff, residents, visitors, and other ancillary support services. The provision of these spaces meets the City's parking requirements and the State Density Bonus Law, ensuring that the facility is to accommodate the expected parking demand.
- F. The Project is categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because the 0.91 acre project site is considered an in-fill site that is substantially surrounded by urban uses and does not contain significant natural habitat for endangered, rare or threatened species; the proposed development is consistent with the General Plan and the CT Zoning District's Effective Zoning Standards except as modified by Density Bonus Law and will not result in any significant impacts relating to traffic, noise, air quality, or water quality; the site can be served by all required

utilities and public services; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply

## EXHIBIT B

### CONDITIONS OF APPROVAL

#### PLANNING DIVISION

1. **Approved Plans:** The project shall be developed in substantial compliance with the design plans and support materials and technical reports approved as part of Los Altos planning application D23-0011 and CUP23-0001, except as modified by these conditions as specified below.
2. **Expiration:** This Permit is valid for a period of two years and will expire unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to the procedures and timeline for extensions in the Zoning Code.
3. **Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the overall approvals may be approved by the Development Services Director.
4. **Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such exactions.
5. **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. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.
6. **Certification of Building Permit Plans:** In a letter, the project architect shall certify the architectural design shown in the building permit plans match the approved plans. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect shall also certify the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Division.

7. **Affordable Housing Agreements:** All applicable affordable housing agreements including three moderate-income and two very-low-income below market rate ownership units for the project shall be executed and recorded on a form provided by the City to the satisfaction of the Development Services Director and City Attorney prior to recordation of the final map.
8. **Tenant Relocation Assistance:** The Applicant shall be fully responsible for implementing the approved Tenant Relocation Plan that complies with the requirements set forth by the State Housing Crisis Act (SB 330) and any other State standards pertaining to tenant relocation. A qualified relocation specialist shall be hired by the Applicant to facilitate the tenant relocation assistance and submit quarterly reports to the Planning Department during the relocation period. A report documenting that all relocation requirements have been satisfied and completed shall be provided and approved by the Development Services Director or their designee prior to the issuance of a demolition permit or building permit.
9. **Single-Phase Development:** Construction of the project shall be done in a single phase and shall not be considered a multi-phased development.
10. **Exterior Materials:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Development Services Director or their designee prior to the issuance of building permits.
11. **Special Paving Materials:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Final paving design details shall be subject to review and approval by the Development Services Director or their designee prior to the issuance of building permits.
12. **Windows:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified for each unit in the building permit drawings for review and approval by the Development Services Director or their designee prior to the issuance of building permits.
13. **Paint Color-Coding:** Color-coded elevations of each side of the building(s) detailing the location of all paint and stain colors, manufacturer, and color names shall be included in the building permit plans.
14. **Materials Mock-Up:** The applicant shall set up a large material and color mock-up on-site, prior to building permit issuance and purchase of the finish materials, for final selection and approval by the Development Services Director or their designee. At a minimum, the mock-up shall include all exterior finish materials, trim, railings, and paint samples. Proposed primary and secondary (accent) paint colors should be painted next to each other on the mock-up for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Development Services Director or their designee.



- 15. Rooftop Equipment Screen:** All rooftop equipment must be concealed behind opaque (solid) screening designed to complement the building design such that rooftop equipment is not visible from any elevation. Details of the rooftop equipment and roof screens shall be included in the building permit drawings and shall be equal to, or taller than the equipment it is intended to screen.
- 16. Fences and Walls:** All fencing and walls are to be shown on building plan drawings, including details on height, location, and material finish. No fence or wall shall exceed six feet in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Development Services Director or their designee and comply with all setback and traffic visibility area requirements prior to building permit issuance.
- 17. Accessory Structure(s):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
- 18. Lighting Plan:** The applicant shall submit a lighting plan in building permit drawings. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties, which is demonstrated with photometric contours extending beyond the project property lines. The lighting plan submitted with building permit drawings must be approved by the Development Services Director or their designee prior to building permit issuance.
- 19. Rooftop Deck Lighting:** Proposed lighting fixtures on the rooftop decks and courtyards shall not be visible from ground level on adjacent public streets. All string lighting shall be designed to include shades to avoid light spillover and be screened so they are not visible from off-site. Limited pedestrian-scale/building-mounted lighting along pathways may be permitted subject to review and approval of photometric lighting plan submitted as part of the building permit drawings.
- 20. Landscaping:** Detailed landscape plans encompassing on- and off-site plantable areas out to the street curb must be included in building permit drawings. Minimum plant sizes are flats or one-gallon containers for ground cover, five-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Development Services Director or their designee prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and shall comply with the City's City's Water Efficient Landscape Ordinance (WELo) pursuant to Chapter 12.36 of the Municipal Code. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
- 21. Landscape Screening:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements.

Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.

- 22. Arborist Report:** A qualified arborist shall provide written instructions for the care of the existing tree(s) to remain on-site before, during, and after construction. The report shall also include a detailed plan showing installation of chain link fencing around the dripline to protect these trees and installation of an irrigation drip system and water tie-in for supplemental water during construction. The Arborist's reports shall be received by the Planning Division and must be approved prior to issuance of building permits. Prior to occupancy, the arborist shall certify in writing that all tree preservation measures have been implemented. Approved measures from the report shall be included in the building permit drawings.
- 23. Protected Trees:** Trees Nos. 73-76 shall be protected under this application and cannot be removed without a Tree Removal Permit from the Development Services Director.
- 24. Tree Removal Approved:** Trees Nos. 67, 69-72 and 77-84 shown to be removed on plan Sheet L1.3 of the approved set of plans are hereby approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Development Services Director upon submission of written justification.
- 25. Replacement Trees:** The applicant shall offset the loss of protected tree to be removed with a total of 18 replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as a replacement tree.
- 26. Monthly Arborist Inspections:** Throughout demolition and construction, a qualified arborist must conduct monthly inspections to ensure tree protection measures and maintenance care are provided. A copy of the inspection letter, including recommendations for modifications to tree care or construction activity to maintain tree health, shall be provided to the Planning Division.
- 27. Tree Protection Fencing:** The grading and tree or landscape plan of the Building Permit submittal shall show the required tree protection fencing which shall be installed around the dripline(s), or as required by the project arborist, of trees Nos. 73-76. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground and shall not be removed until all building construction has been completed unless approved by the Planning Division.
- 28. Street Tree Protection:** All designated City Street trees are to be protected throughout construction activity with protection measures shown on building permit plans.
- 29. Signage:** No signs are approved as part of this application. Any new signage will require separate planning and/or building permits and shall be designed in compliance with Chapter 14.68 of the Los Altos Municipal Code. Prior to the issuance of the building permit for the project, the applicant shall apply for and get approval of a Sign Permit from the Planning Division.

- 30. Parking Management Plan:** Prior to building permit issuance, the applicant shall develop a parking management plan describing parking allocation for residents, guests, and/or commercial uses on the project site, subject to administrative approval by the Development Services Director or their designee.
- 31. Solid Waste and Recyclables Disposal Plan:** The applicant shall 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.
- 32. Pedestrians Warning Signage:** The applicant shall install a "watch for pedestrians" sign at the top of the underground parking garage driveway ramp and shall be shown on the building permit submittal.
- 33. Noise Generation:** All noise-generating activities (i.e., entertainment or amplified sound) are limited to interior areas only, and the heating, ventilation, and air conditioning system shall be maintained to ensure that all windows and doors remain closed when the business is in operation.
- 34. Construction Noise Reduction:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.
- 35. Pile Driving Noise Reduction:** The following measures shall be incorporated into construction plans and contractor specifications if pile driving is proposed: (a) multiple pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving would be reduced; and (b) temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the foundation pile holes as a standard construction noise control technique. Predrilling reduces the number of blows required to seat the pile.

- 36. Mechanical Equipment:** Prior to issuance of a building permit, the applicant shall show the location of any mechanical equipment and demonstrate compliance with the requirements of Chapter 11.14 (Mechanical Equipment) and Chapter 6.16 (Noise Control) of the Los Altos City Code.
- 37. Acoustical Report for Mechanical Equipment:** Prior to issuance of a building permit, the applicant shall submit a report from an acoustical engineer/consultant ensuring that the rooftop mechanical equipment meets the City's Noise Control Ordinance (Chapter 6.16).
- 38. Air Quality:** The applicant is required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
- 39. Basic Air Quality Construction Measures:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; (f) all excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph; (g) all trucks and equipment, including their tires, shall be washed off prior to leaving the site; (h) Unpaved roads providing access to site located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted later of wood chips, mulch, or gravel; (i) publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall be visible to ensure compliance with applicable regulations.
- 40. Basic Air Quality Construction Equipment Particulate Matter Exhaust Emission Measures:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce DPM emissions by 60 percent such that increased cancer risk and annual PM2.5 concentrations from construction. Emission reduction measures will include, at a minimum, the following measures:
- (a) All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM10 and PM2.5), if feasible, otherwise,
- If use of Tier 4 interim equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions

control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).

(b) Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:

- Implementation of No. 1 above to use Tier 4 interim engines or alternatively fueled equipment,
- Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
- Use of electrically powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

**41. Discovery of Contaminated Soils:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA’s 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) the contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) the contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) the contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) the contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) the contractor will cover the bottom of excavated areas with sheeting when work is not being performed.

**42. Discovery of Archaeological Resources:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100’ of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

- 43. Discovery of Human Remains:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Development Services Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Development Services Director.
- 44. Discovery of Paleontological Resources:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
- 45. Indoor Formaldehyde Reductions:** If the project utilizes composite wood materials (e.g., hardwood plywood, medium density fiberboard, particleboard) for interior finishes, then only composite wood materials that are made with CARB approved, no-added formaldehyde (NAF) resins, or ultra-low emitting formaldehyde (ULEF) resins shall be utilized (CARB, Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products, 17 CCR Section 93120, *et seq.*, 2009-2013).
- 46. Preconstruction Nesting Bird Survey:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching

birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

## **BUILDING DIVISION**

- 47. Building Permit:** A building permit is required for the project and building design plans shall comply with the latest applicable adopted standards. The applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.
- 48. Conditions of Approval:** Incorporate the conditions of approval into the Building Permit submittal plans and provide a letter which explains how each condition of approval has been satisfied and/or which sheet of the plans the information can be found.
- 49. Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees prior to issuance of a building permit, including but not limited to Transportation, Park and Recreation, Public Safety, and General Government impact fees as required by the City of Los Altos Municipal Code and current adopted fee schedule.
- 50. Green Building Verification:** 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.
- 51. Reach Codes:** Building permit applications submitted on or after January 1, 2023, shall comply with specific amendments to the 2022 California Green Building Standards for Electric Vehicle Infrastructure and the 2022 California Energy Code as provided in Ordinances No 2022-487 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code. The building design plans shall comply with the standards and the applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.
- 52. School Fee Payment:** In accordance with Section 65995 of the California Government Code, and as authorized under Section 17620 of the Education Code, the property owner shall pay the established school fee for each school district the property is located in and provide receipts to the Building Division. The City of Los Altos shall provide the property owner with the resulting increase in assessable space on a form approved by the school district. Payments shall be made directly to the school districts.
- 53. Work Hours/Construction Site Signage:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 5:30 p.m., Monday through Friday, from 9 a.m. to 3 p.m. Saturday, and no work is permitted on Sunday or any holiday. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours and contact information, including an after-hours contact.

- 54. Disturbance Coordinator:** The applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
- 55. Change of Address:** A “Request for Address Assignment or Change” form must be submitted to the Building Division to correlate with the addition of any new units or tenant spaces on the property.
- 56. California Water Service Upgrades:** You are responsible for contacting and coordinating with the California Water Service Company any water service improvements including but not limited to relocation of water meters, increasing water meter sizing or the installation of fire hydrants. The City recommends consulting with California Water Service Company as early as possible to avoid construction or inspection delays.
- 57. Americans with Disabilities Act:** All improvements shall comply with Americans with Disabilities Act (ADA). The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way. Compliance with all ADA requirements shall be shown on all building permit plans.
- 58. Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
- 59. Geotechnical Report:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City during building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for back draining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

## **ENGINEERING DIVISION**

- 60. 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. Any work within El Camino Real will require the applicant to obtain an encroachment permit with Caltrans prior to commencement of work.



- 61. Public Utilities:** The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
- 62. Public Storm Drain Facilities:** The applicant shall abandon existing storm drainpipes.
- 63. Sewer Lateral:** Any proposed new sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed. All existing unused sewer laterals shall be abandoned according to the City Standards, cut and cap 12” away from the main.
- 64. 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. The applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
- 65. Pollution Prevention:** The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
- 66. Public Right of Way Dedication:** The applicant shall dedicate the Public Right of Way along Jordan Ave to make it a 50’ ROW street. Applicant shall submit documentation to the City for review and approval for the recordation of the public right of way to the City of Los Altos prior to Final Map Recordation.
- 67. Subdivision Agreement:** The applicant shall sign and return the Subdivision Agreement to the City for records and recordation prior to Final Map Recordation.
- 68. Existing Storm Drain System:** The applicant shall cap the on-site SD system at the storm drain main and remove the on-site storm drain system entirely prior to issuance of building permit.
- 69. 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 prior to issuance of building permit.
- 70. 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 6 months until acceptance of improvements) for the public right-of-way work prior to issuance of building permit.
- 71. Stormwater Management Plan:** Prior to issuance of building permit, 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. The project shall comply with City of Los

Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2022-0018 dated May 11, 2022.

- 72. Storm Water Filtration Systems:** The applicant shall ensure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation prior to issuance of building permit.
- 73. Grading and Drainage Plan:** The design of drainage system and sewer lateral is not approved at this point, and it will be reviewed during the building permit phase. 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 prior to issuance of building permit.
- 74. 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 the 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 prior to issuance of building permit.
- 75. Construction Management Plan:** The applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. 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, pedestrian protection, material storage, earth retention and construction vehicle parking. 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 construction site prior to issuance of building permit.
- 76. 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 prior to issuance of building permit.
- 77. 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 prior to issuance of building permit.

- 78. Sidewalk Lights:** The applicant shall maintain the existing light fixture and install new light fixture(s) in the Jordan Ave sidewalk as directed by the City Engineer prior to issuance of building permit.
- 79. Cost Estimate and Performance Bonds:** The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held 6 months after acceptance of improvements) for the work in the public right-of-way prior to issuance of building permit.
- 80. Street Trees in Public Right-of-Way:** The applicant shall install new street trees along the frontage of Jordan Ave and El Camino Real, from property line to property line, as extensively as possible and shall be shown on the building permit plan submittal.
- 81. Existing Underground Vault:** The applicant shall relocate the existing underground utility vault at Jordan Ave to prevent the conflict with the new sidewalk and curb and gutter prior to final occupancy.
- 82. Condominium Map:** The applicant shall record the condominium map as required by the City Engineer prior to final occupancy.
- 83. Sidewalk in Public Right-of-Way:** The applicant shall install new sidewalk, vertical curb and gutter from property line to property line along the frontage of El Camino Real and Jordan Ave as required by the City Engineer prior to final occupancy.
- 84. Street Resurfacing:** The applicant is responsible to grind and overlay half of the street along the frontage of Jordan Ave as required by the City Engineer prior to final occupancy.
- 85. Red Curb Striping:** The applicant shall install red curb on El Camino Real as directed by the City Engineer or his designee. Additionally, red curb striping shall be installed 50' north & south of the proposed garage driveway entrance on Jordan Ave as required by the City Engineer prior to final occupancy.
- 86. ADA Ramps:** The applicant shall install an ADA ramp at the Southwest corner of the intersection of El Camino Real and Jordan Avenue with a new crosswalk crossing Jordan Avenue. Two ADA ramps shall also be installed at each side of the new driveway approach prior to final occupancy.
- 87. 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 prior to final occupancy. Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.

- 88. Storm Water Inlet:** The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo prior to final occupancy.
- 89. Maintenance Bond:** A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way prior to final occupancy.
- 90. 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 the City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement prior to final occupancy.
- 91. 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 prior to final occupancy.

## **FIRE DEPARTMENT**

- 92. Applicable Codes and Review:** The project shall comply with the California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the City of Los Altos Municipal Code (LAMC), California Code of Regulations (CCR) and Health & Safety Code Review of this developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make an application to, and receive from, the Building Department all applicable construction permits.
- 93. Violations:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].
- 94. Deferred Submittals:** Sprinklers and fire alarm to be deferred submittals and noted on sheet A0.00.
- 95. FDC and Standpipe Locations:** FDC and standpipes shall be located within 100 feet of a hydrant.
- 96. Ground Ladder / Emergency Rescue Openings Required:** Ground-ladder rescue from second and third floor rooms shall be made possible for fire department operations. Climbing angle of seventy-five degrees shall be demonstrated on the plans and maintained. Landscaping shall not be allowed to interfere with the required access (CFC Sec. 503 and 1031 NFPA 1932

Sec. 5.1.8 through 5.1.9.2). Since access will be met from the side of the balconies, ladder "stops" to be installed on railing in order to prevent ladders from sliding off.

- 97. Buildings and Facilities Access:** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. [CFC, Section 503.1.1].
- 98. Required Aerial Access:** Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. 3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building and shall be positioned parallel to one entire side of the building, as approved by the fire code official. [CFC Chp. 5 and SCCFD SD&S A-1].
- 99. Fire Lanes Required:** Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code. Red curb fire lanes shall be shown on civil sheets.
- 100. New Fire Hydrant Requirements:** Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, Appendix B and Appendix C. Submit fire hydrant spotting plans to SCCFD and show the location of the proposed new hydrants on the spotting plans. Civil sheets shall note that there will be no combustible construction prior to hydrant installation.
- 101. Required Fire Flow:** The fire flow for this project is 4,915 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the flow will be reduced by 25% creating an adjusted fire flow of 3,686 gpm at 20psi. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Fire flow letters shall be required from new hydrants.