

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE  
DESIGN REVIEW, CONDITIONAL USE PERMIT AND SUBDIVISION  
APPLICATIONS FOR A FORTY-SEVEN UNIT MULTIPLE FAMILY  
DEVELOPMENT PROJECT AT 4350 EL CAMINO REAL**

**WHEREAS**, the City of Los Altos received a development application from Angela and Greg Galatolo, (Applicant), for a new forty-seven unit multiple-family residential building at 4350 El Camino Real that includes requests for Design Review (File Number D19-0001) Conditional Use Permit (UP19-0001) and Subdivision (SD19-0001) applications referred to herein as the “Project”; and

**WHEREAS**, said Project is in the Commercial Thoroughfare (CT) district, which allows multiple-family housing as a conditional use and for a maximum of 38 dwelling units per acre allowable residential density, and the Proposal proposes a density of 72 dwelling units per acre; and

**WHEREAS**, the Applicant is offering seven (7) units with four (4) moderate income affordable housing units and three (3) Very-Low-income units for-sale as part of the Project which is above the required fifteen percent required inclusionary housing units; and

**WHEREAS**, the Applicant’s proposed unit mix would consist of 28 percent of a theoretical “base” project of 25 units as affordable units, with 16 percent of the units affordable at the moderate-income level and 12 percent of the affordable units at the very-low-income level; and

**WHEREAS**, by providing 12 percent of the affordable units at the very-low-income level, the Project is entitled to a 38.75% density bonus, two incentives or concessions (“concessions”), waivers of development standards, and a reduced parking ratio pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

**WHEREAS**, the Project is consistent as conditioned with Chapter 14.28.030 of the Los Altos Municipal Code in that the proposed mix of affordable units is “significantly distinguishable by size” from the proposed mix of market rate units; and

**WHEREAS**, the Applicant has requested two concessions under Government Code Section 65915(d) and Los Altos Municipal Code Section 14.28.040. F.2 to allow for: 1) a building height of 53.84 feet where Section 14.52.100 the Municipal Code allows for a maximum of 45 feet and is an on-menu concession; and 2) reduction of parking aisle width from required 26ft aisle to 24ft per Section 14.74.200 A 1. Parking Standards Exhibit-A which is an off-menu concession; 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 October 18, 2018, the Planning Commission held a design review study session on the Project where it received public testimony and provided the Applicant with architectural and site design feedback; and

**WHEREAS**, on August 28, 2019, the Complete Streets 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 Complete Streets Commission provided direction for proposed changes to the Project; and

**WHEREAS**, on October 23, 2019, the Complete Streets 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 Complete Streets Commission voted 4-0 to forward to Planning Commission and City Council to recommend approval of the Project; and

**WHEREAS**, on September 24, 2020, the City Council was to provide feedback on the story pole policy exception request by the applicant to install story poles on the site for the proposed Project, which was continued to the November 12<sup>th</sup> hearing; and

**WHEREAS**, on January 26, 2021, the City Council reviewed and approved a modified story pole design to comply with the city's Story Pole policy in addition to requesting modification to billboards, 30 days prior to the Planning Commission hearing to a day after the City Council hearing; and

**WHEREAS**, on October 22, 2021, staff provided the applicant with a letter of inconsistency for the proposed project detailing project non-conformance to Chapter 14.28 of the Los Altos Municipal Code; and

**WHEREAS**, an initial study for the project has been completed pursuant to CEQA which identifies potentially significant effects on the environment which would result from the project, and concludes that these impacts can be avoided or reduced to a level of insignificance with adoption and implementation of certain mitigation measures therein identified and listed; and

**WHEREAS**, based on this initial study, a mitigated negative declaration and mitigation monitoring and reporting plan has been prepared in accordance with CEQA, which finds that any potentially significant environmental effects of the proposed project would be sufficiently mitigated to a level of insignificance with implementation of mitigation measures specified therein; a complete copy of the mitigated negative declaration and mitigation monitoring and reporting plan and all supporting exhibits and documents are on file and can be viewed at the city office; and

**WHEREAS**, on January 12, 2022, the city published Notice of Intent to adopt a Mitigated Negative Declaration for the Project by providing notice that the document was available for review to owners of property within a 1,000ft radius of the Project, delivering notice to the Office of Planning and Research, filing notice with the County Clerk's Office, and publishing notice in the *Town Crier* and on the City's website which started a 30-day public review period; and

**WHEREAS**, at the \_\_\_\_\_ meeting, the City Council reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project, any comments received to-date and the responses prepared, invited additional comments from the public; and

**WHEREAS**, the City Council conducted its own independent analysis of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and determined that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were appropriate as there is

substantial evidence the Project would not result in any significant environmental impacts and the mitigated negative declaration reflects the city's independent judgment and analysis; and

**WHEREAS**, on February 21, 2022, staff conducted a site visit and confirmed that only three of the story poles were installed on site and, there was an inconsistency with the approved billboard signs on the site. The billboard signs did not have the requested QR code updates as approved by the City Council and there was no link to webpages hosting the 3D walkthroughs; and

**WHEREAS**, on February 13, 2022, the Applicant installed and provided certification for the modified story poles on the site consistent with the approved story pole design plan, but did not update the billboards with the QR codes; and

**WHEREAS**, on February 23, 2022, the City gave public notice of the Planning Commission's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners and business tenants within a 1,000-foot radius and a meeting notice was posted to the billboard sign; and

**WHEREAS**, on March 16, 2022, the applicant provided a revised operational letter and density bonus report to be inserted into the staff report packet; and

**WHEREAS**, on March 17, 2022, the Planning Commission voted 6-0 to continue the hearing of the proposed project to April 7, 2022, Planning commission hearing; and

**WHEREAS**, on May 20, 2022, the applicant provided a substantially redesigned and revised architectural plan set, operational letter, and density bonus report that reflected the comments and feedback heard at the April 7<sup>th</sup> public hearing, and

**WHEREAS**, on July 21, 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 City Council approval of the Project; and

**WHEREAS**, on \_\_\_\_\_, 2022, the City gave public notice of the City Council's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners and business tenants within a 1,000-foot radius and a meeting notice was posted to the billboard sign; and

**WHEREAS**, on \_\_\_\_\_, 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, the Planning and Zoning Law, 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 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 adopts a Mitigated Negative Declaration for the Project and hereby \_\_\_\_\_ the Project subject to the Findings (Exhibit A) and Conditions of Approval (Exhibit B) 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 \_\_\_\_day of \_\_\_\_\_ 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Attest:

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

**EXHIBIT A**

**FINDINGS**

1. **Design Review Permit**

Per Chapter 14.76.060 – Design Review Findings, the City Council must make the following findings to grant the Design Review Permit:

- A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.

*This finding can be made:* The project conforms to the goals and policies for the El Camino Real Corridor under the Special Planning Area in the Land Use Element, Community Design and Historic Resources Element, Housing Element and Economic Development Element. Together these elements discourage exclusive office use and promote inclusion residential development, encourage affordable housing projects, increased height for residential development, intensification of development to be compatible to the opposite side of the El Camino Real Corridor and streetscape improvement and pedestrian friendly streetscape designs. The project is designed to support the goals, policies, and objectives and complies with ordinance design criteria adopted for the Commercial Thoroughfare District as further indicated in the Council and Planning Commission agenda reports.

- B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.

*This finding can be made.* The proposed project has architectural integrity while complying with the design standards required by the CT zone with exceptions as approved with Density Bonus development incentives and waivers. The buildings in the immediate area are four to five stories, which is similar in scale and proportion to the proposed project. The relationship of this proposal with the neighboring structures and that of the recently approved project in the area will result in buildings with similar bulk and design to the extent allowed in the CT zoning district and envisioned in the General Plan for the El Camino Real Corridor.

- C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays, and balconies.

*The findings can be made.* The bulk and massing have been appropriately scaled using architectural design elements such as sunshades, entrance canopies, façade material separation and precast sills to articulate the human scale.

The vertical and horizontal articulation of the building mass have been designed to reflect the articulation provisions of the design standards for CT zoning district. The building has

been designed as a series of primary bays ranging from 24 feet to 34 feet wide, that are punctuated by narrower 9 foot to 10-foot intermediate bays.

The design incorporates a base, body and upper-level façade expression by using architectural elements and façade treatments entrance stoops and canopies to highlight pedestrian entrances, project eave at the fourth floor and project metal cap detail to separate the fifth floor visually from the rest of the floors. This reduces the bulky nature of the five-story structure as detailed in the design standards for CT zone.

There are several identifiable key elements such as entrances, stairs and stoops, balconies and corner façade detailing to signal habitation in the residential project. The pedestrian entrances and vehicular entrances are distinguished using architectural elements such as a canopy and façade treatments besides doors.

- D. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades, and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk, and mass, and are harmonious with other structures in the immediate area.

*The findings can be made.* The material and finishes include a limestone base with stone and wood siding material for most of the primary street facades.

The corner of the building has a portion of the façade finished in Corten Steel panels and aluminum storefront windowpanes for the corner lobby entrance leading to the mailbox. The upper stories have metal clad windows incorporating metal sunshade and projecting precast sills while recessing the windows for a more residential appearance.

The high quality exterior materials proposed such as Corten steel panel, wood siding, stone siding and plaster, the use of these materials on the facades are serving to reduce the height, mass, and bulk are articulated as visual elements to read base, body, parapets, and other structural elements for this proposal.

- E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

*The findings can be made.* Landscaping is generous and inviting. The project incorporates the appropriate designed hardscape and softscape features at the lobbies and entrances to signify entry elements. The tree canopy is substantial along the street sides. The landscaped courtyard area includes amenities such as a herb garden, benches, planters and seating pebbled. Additionally, there is a rooftop deck which includes a barbeque, planters, and seating to provide additional landscape and gathering space for the residents.

- F. Signage is designed to complement the building architecture in terms of style, materials, colors, and proportions.

*The findings can be made.* The architectural rendering indicates entrance signage which complement the building architectural style. A sign permit review is required if the project is approved.

- G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material, and detailing.

*The findings can be made.* The rooftop mechanical and other mechanical equipment shall be appropriately screened from public view using a perforate mechanical screen which is consistent with the building design.

- H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

*The finding can be made:* The garbage staging area on the first floor is screened and is consistent with the building architecture.

2. **Conditional Use Permit**

To grant Conditional Use Permit UP19-001, to approve the permit the City Council must find the following in accordance with Chapter 14.80.060 of the LAMC:

- A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare.

*This finding can be made:* The proposed multi-family residential building is envisioned as a conditional use in the General Plan and has been reviewed and conditioned for approval for health and safety and environmental considerations. Based upon the Initial Study/Negative Declaration (IS/MND) for the project, there is evidence that the project will have a minimal impact on the physical environment of the surrounding community which can be mitigated using conditional approval of this project. The project will enhance the housing stock and make available more homes to enhance comfort, prosperity and welfare of the community, furthering the City's housing goals.

- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title;

*This finding can be made.* The project will not have a significant environmental impact and it will meet many of the goals and objectives of the General Plan and complies with the City's inclusionary housing requirements. Pursuant with State Density Bonus requirements, the project request and complies with the density bonus and avails additional height increase and parking reduction standards while seeking qualifiable concessions because it complies with required affordable housing standards. It meets all the City's design policies and objectives, as set forth above with respect to the Design Review Permit findings. Notwithstanding the

requested concessions, the project complies with all the objectives set forth in Section 14.02.020 of the Los Altos Municipal Code.

- C. That 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.

*This finding can be made.* Because the project will not cause a significant environmental impact, as indicated in the IS/MND, the development of a housing project in the corner location of El Camino and Los Altos Ave. will not be detrimental to the health and safety. The project will not be injurious to property or improvements in the vicinity because of the proposed mitigated measures detailed in the IS/MND to take necessary precautions during the time of construction.

- D. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02;

*This finding can be made.* Notwithstanding the density bonus concessions and approvals which is consistent with State Law, the proposed conditional use of a multi-family residential project complies with the regulations prescribed for the CT district as detailed in the Planning Commission agenda report discussion and analysis and conforms to development standards with the exception of development concessions and waivers the project is eligible for through Density Bonus allowances.

**3. SUBDIVISION FINDINGS.**

Regarding Subdivision TM19-0001, to approve the map, the City Council must find that none of the following findings can be made, in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in 65451.

*This Finding cannot be made.* The proposed map to create one parcel for further subdivision by a condominium plan is consistent with applicable general and specific plans including the El Camino Real Corridor Special Planning Area in the Land Use Element, Community Design and Historic Resources Element, Housing Element and Economic Development Element. Together these elements encourage residential development and affordable housing projects and intensification of development to be compatible to the opposite side of the El Camino Real Corridor.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

*This Finding cannot be made.* The proposed subdivision to create a parcel for further subdivision by condominium plan is consistent to the goals and policies for the El Camino Real Corridor under the Special Planning Area in the Land Use Element, Community Design and Historic



Resources Element, Housing Element and Economic Development Element. Together these elements discourage exclusive office use and promote inclusion residential development, encourage affordable housing projects, increased height for residential development, intensification of development to be compatible to the opposite side of the El Camino Real Corridor and streetscape improvement and pedestrian friendly streetscape designs. Furthermore, improvements for subdivision including private on-site improvements and public improvements along the project's frontages as found in the approved plans or as a condition of approval, are in conformance with the applicable municipal codes and support the goals, policies and objectives of the Circulation Element and the Infrastructure and Waste Disposal Element.

- C. That the site is not physically suitable for the type of development.

*This Finding cannot be made.* The site is physically suitable for this type of development because it is in conformance with the Thoroughfare Commercial land use designations of the General Plan and complies with all applicable CT Zoning District site development standards excluding those exceptions otherwise approved.

- D. That the site is not physically suitable for the proposed density of development.

*This Finding cannot be made.* The proposed density of development remains consistent with the State Law provisions for Density Bonus and the city's development standards for CT zone and is suitable for the proposed density.

- E. That the design of the subdivision or type of improvement is likely to cause serious public health problems.

*This Finding cannot be made.* The design of the subdivision and the proposed improvements would not cause substantial environmental damage, or substantially injure fish or wildlife if mitigation measures recommended in the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared for the project are implemented, as indicated in the IS/MND.

- G. That 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, 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.

*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.

**EXHIBIT B**

**CONDITIONS OF APPROVAL**

**GENERAL**

**1. Approved Plans**

1.1. The project approval is based upon the plans dated June 16, 2022 (Attachment 5) and the support materials and technical reports, except as modified by these conditions and as specified below.

1.2. The bike parking room shall have electrical outlets for the residents use for electric biking charging.

**2. Affordable Housing**

The below market rate (BMR) units shall be subject to an Affordable Housing Agreement approved as to form by the City Attorney, and the units will be comparable to the market rate units in terms of design, construction, and materials and shall be provided at the location on the approved plans.

The applicant shall offer the City seven (7) for-sale below market rate units as follows:

- 2.1. Two (2) one-bedroom units at the very-low-income level;
- 2.2. One (1) two-bedroom unit at the very-low-income level;
- 2.3. Three (3) two-bedroom units at the moderate-income level; and
- 2.4. One (1) three-bedroom unit at the moderate-income level.

**3. 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.

**4. Public Utilities**

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

**5. Americans with Disabilities Act**

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

**6. Sewer Lateral**

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

**7. 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.

**8. NPDES**

The project shall comply with the San Francisco Bay Region Municipal Regional Stormwater (MRP) National Pollutant Discharge Elimination System (NPDES) Permit No. CA S612008, Order R2-2015-0049, Provision C.3 dated November 19, 2015 and shall show that all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID). The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.

**9. Signage Permit – City of Los Altos**

Prior to the issuance of the Building permit, the applicant shall apply and get approved on a detailed signage permit from the Planning Division (if signage is provided).

**10. Encroachment Permit – Caltrans**

Prior to any permanent work or temporary traffic control that encroaches onto Caltrans’ ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans’ ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

**11. Public Utilities**

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

**12. Diesel Generator Prohibition**

Diesel powered electric generators are prohibited for any purpose in this project.

**13. Indemnity and Hold Harmless**

The applicant/property 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.

**14. Mitigation and Monitoring Program**

All mitigation measures included in the Mitigated Negative Declaration (MND) will be satisfied according to the Mitigation and Monitoring Reporting Program and shall be incorporated in the first page of the approved construction/building plan set.

**PRIOR TO SUBMITTAL OF BUILDING PERMIT**

**15. 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 and as may be amended from time to time) from a qualified green building professional.

**16. Property Address**

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

**17. Water Efficient Landscape Plan**

The applicant shall provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations and include signed statements from the project's landscape professional and property owner.

**18. Reach Codes**

Building Permit Applications submitted on or after January 26, 2021 shall comply with specific amendments to the 2019 California Green Building Standards for Electric Vehicle Infrastructure and the 2019 California Energy Code as provided in Ordinances Nos. 2020-470A, 2020-470B, 2020-470C, and 2020-471 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code and may be further amended from time to time. 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.

**19. Climate Action Plan Checklist**

The applicant shall implement and incorporate the best management practices (BMPs) into the plans as specified in the Climate Action Compliance Memo submitted on March 11, 2019.

**20. California Water Service Upgrades**

The applicant is 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.

**21. Pollution Prevention**

The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

**22. Storm Water Management Plan**

The Applicant shall submit a Storm Water Management Plan (SWMP) in compliance with the MRP. The SWMP shall be reviewed and approved by a City approved third party consultant at the Applicant's expense. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans.

**23. Outdoor Condensing Unit Sound Rating**

The Applicant shall show the location of any outdoor condensing unit(s) on the site plan including the model number of the unit(s) and nominal size (i.e. tonnage) of the unit. The Applicant shall provide the manufacturer’s specifications showing the sound rating for each unit. The condensing unit(s) must be located to comply with the City’s Noise Control Ordinance (Chapter 6.16) and in compliance with the Planning Division setback provisions. The units shall be screened from view of the street.

**24. Off-haul Excavated Soil**

The grading plan shall show specific grading cut and/or fill quantities. Cross section details showing the existing and proposed grading through at least two perpendicular portions of the site or more shall be provided to fully characterize the site. A note on the grading plans shall state that all excess dirt shall be off hauled from the site and shall not be used as fill material unless approved by the Building and Planning Divisions.

**25. Electric Vehicle Charging Station Infrastructure**

The building’s electrical service shall be designed to support the required load necessary for installation of electric vehicle charging stations in the underground parking garage.

**26. Santa Clara County Fire Department Review**

The project shall comply with all Santa Clara County Fire Department standards including but not limited to the comments and conditions provided in the Fire Department Development Review Comment letter dated June 9, 2021. A formal review of the building permit plans will be completed subsequent to submittal of a complete set of building permit design plans.

**27. Complete Street Commission**

Prior to issuance of Building permits, applicant shall comply with the following conditions (items included in the building plans):

- 27.1. Install a “STOP” sign and stop bar at the garage exit to advise motorists to STOP before exiting the driveway.
- 27.2. The outbound garage ramp shall have a maximum slope of 2 percent within 20 feet of the top of the ramp.
- 27.3. No parking shall be permitted along the El Camino Real Street frontage.
- 27.4. The truck loading space shall be no less than ten (10) feet wide by twenty-five (25) feet long.
- 27.5. The loading space shall be accessible from a public street, and it shall not interfere or conflict with the driveway for the below-grade parking garage.
- 27.6. The applicant shall replace existing shelter with a new VTA standard shelter consistent with VTA direction or an alternative proposed design by the Applicant as acceptable and at the discretion of VTA. The applicant shall include a pedestrian use and maintenance easement for the bus stop facility location on private property.
- 27.7. The applicant shall locate the shelter out of the sidewalk by pushing it into the landscaping, and shall provide a 7’x25’ shelter pad consistent with VTA direction. This will improve sight distance from the driveway entrance if the driveway is not relocated
- 27.8. The applicant shall install a new bus pad 10’x75’ minimum per VTA Standards (see attachment “VTA Bus Stop Passenger Fac Standards 2010 (37)”).

- 27.9. The applicant shall remove street tree and landscaping adjacent to bus stop areas consistent with VTA direction.

**PRIOR TO FINAL MAP RECORDATION**

**28. Pedestrian Easement**

The map shall show a dedication of the pedestrian easement to the City of Los Altos for use as public right-of-way as a public easement. A 1’ easement shall be dedicated along the portion of Los Altos Avenue and El Camino Real to allow for a 6’ sidewalk installation along El Camino Real. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos.

**29. Public Utility Dedication**

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

**30. 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, and map check fee plus deposit as required by the City of Los Altos Municipal Code.

**31. Affordable Housing Agreement**

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Community Development Director and the City Attorney, that seven (7) below market rate units, for a period of at least 55 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.

**32. Subdivision Agreement**

The property owner shall execute a subdivision improvement agreement with the City and shall be recorded after City Council approves the recordation of the Final Map.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

**33. 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.

**34. 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) for the work in the public right-of-way. A separate cash deposit shall be submitted to match the cost estimate for the work within the public parking plaza, which includes replacement of the entire width of the driveway along the southeast frontage of the site. The deposit shall also include an additional six percent of the construction cost estimate to cover the City’s administration costs.

**35. Storm Water Filtration Systems**

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

**36. 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.

**37. 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.

**38. 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.

**39. 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.

**40. 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 is designed to not drain into the enclosure. In addition, the applicant shall show on plans the proposed location of how the solid waste will be collected by the refuse company. The applicant shall include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

**41. Sidewalk Lights**

The applicant shall install new light fixtures along El Camino Real in the vicinity of the existing bus stop, install new light in place of removed existing light. Applicant shall install new light fixture along Los Altos Avenue.

**42. Operational Noise**

Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's 50 dBA eq residential noise limit at the shared property lines. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

**PRIOR TO FINAL OCCUPANCY**

**43. Condominium Plan**

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

**44. Sidewalk in Public Right-of-Way**

The applicant shall install a new sidewalk, vertical curb and gutter, and driveway approaches from property line to property line along the frontage of El Camino Real and Los Altos Avenue and as required by the City Engineer.

**45. ADA ramps**

The applicant shall update the existing ADA ramps at southeast and southwest corners of the intersection of Los Altos Ave and El Camino Real per current Caltrans Standards.

**46. 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 full width of Los Altos Ave. if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within El Camino Real will require an applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

**47. 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.

**48. Maintenance Bond**

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



**49. 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, the City shall record the agreement.

**50. Landscaping Installation and Verification**

The applicant shall 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.