

ATTACHMENT 1

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROVING A DESIGN REVIEW AND SUBDIVISION APPLICATION FOR A NEW FIFTY UNIT MULTIPLE-FAMILY CONDOMINIUM PROJECT AT 355 FIRST STREET AND A MITIGATED NEGATIVE DECLARATION

WHEREAS, the City of Los Altos received a development application from DeNardi Wang Homes for a new a 50 unit, multiple-family project, which includes design review and subdivision applications (TM21-0001; D21-0003), referred herein as the “Project”; 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 and the Complete Streets Commission held duly noticed joint public hearings on the Project on December 2, 2021 and December 16, 2021, at which all public comment was duly considered and the Complete Streets Commission recommended Planning Commission and City Council approval of the project. The Planning Commission subsequently recommended City Council approve the Project; and

WHEREAS, the City Council held a duly noticed public meeting on the Project on February 8, 2022 and June 28, 2022 by law and considered public testimony and evidence and recommendations presented by staff related to the Project; and

WHEREAS, the Applicant is offering seven affordable housing units for sale (one very-low-income, two low-income and four moderate-income) as part of the Project; and

WHEREAS, the Applicant’s proposed unit mix would consist of 18 percent of its base density as affordable, with eight percent of the units affordable at the very-low income level, thereby entitling the project to qualify for a density bonus, one incentive and additional concessions pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

WHEREAS, the Applicant is seeking one incentives under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040 to allow: the building to have a primary height of 56 feet, where the Code allows for 45 feet; and

WHEREAS, the Applicant is eligible for and has requested a 35 percent density bonus to allow development of the Project pursuant to Government Code 65915 and Los Altos Municipal Code Section 14.28.040; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Guidelines section 15063, the City prepared an Initial Study to analyze whether the proposed Project may cause a potentially significant effect on the environment; and

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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, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the City prepared a program for reporting on and monitoring the changes which it has either required in the proposed Project or made a condition of approval to mitigate or avoid potential significant environmental effects (the “Mitigation Monitoring and Reporting Program” or “MMRP”), a copy of which is attached hereto as Exhibit “D”; and

WHEREAS, the City published a Notice of Intent of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project on November 2, 2021, which started a 20-day public review period. The notice was posted at the City office, the County Clerk, on the City website, published in the Town Crier and sent to all property owners and tenants within 1,000 feet of the project, and all interested persons; and

WHEREAS, during the public review and comment period, copies of the MND were available for review and inspection at the City of Los Altos City Hall and the main branch of the Los Altos Library, and on the City’s website; and

WHEREAS, at the February 8, 2022, and June 28, 2022 meetings, 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 District's independent judgment and analysis; and

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

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

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision are located in the Office of City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and conditions of approval attached hereto as Exhibit "A" (Findings) and Exhibit "B" (Conditions of Approval), Mitigated Negative Declaration (Exhibit "C") and Mitigation Monitoring and Reporting Program (Exhibit "D") 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 June 28, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Anita Enander, MAYOR

Attest:

Angel Rodriguez, CMC, CITY CLERK

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EXHIBIT A-FINDINGS

(VTTM 21-001; DR 21-003)-355 First Street

1. With regard to environmental review, the City Council has independently reviewed, analyzed and considered the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) and the whole record before it (including the Initial Study and any comments received) and based on the foregoing, the City Council hereby finds that all environmental impacts of the Project with mitigation measures are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.
2. The City Council finds the MND and MMRP has been completed in compliance with CEQA and consistent the State of California Guidelines for the Implementation of the California Environmental Quality Act. The City hereby approves and adopts the MND, which is hereby attached to this Resolution as Exhibit “C”. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP, which is hereby attached to this Resolution as Exhibit “D”.
3. With regard to the new fifty-unit multiple-family structure, the City Council finding the following in accordance with Section 14.78.060 of the Municipal Code:
 - a. The proposal meets all applicable goals, policies and objectives of the General Plan, and CD/R3 Zone District design criteria because it is providing fifty new multiple-family residential condominium units in a multiple-family district, it incorporates high quality architectural design and is compatible with the existing development in the immediate vicinity;
 - b. The proposal has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design; Building mass is articulated to relate to the human scale, both horizontally and vertically.
 - c. Building elevations have variation and depth and avoid large blank wall surfaces. The residential projects incorporate elements that signal habitation such as identifiable entrances, stairs, porches, bays and balconies.
 - 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.
 - 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.

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- f. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.
 - g. The exterior mechanical equipment, which is located in alcoves and within the fenced private areas, is screened from public view and the fencing is consistent with the building architecture in form, material and detailing; and
 - h. The service, trash and utility areas are located behind fences, recessed in alcoves or enclosed within the building in order to be screened from public view and are placed in a way that is consistent with the building architecture in materials and detailing.
4. With regard to the fifty-unit condominium subdivision, the City Council finds the following in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:
- a. The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Downtown Commercial and allows for higher density residential development. Specific applicable policies of the General Plan for creating one parcel to be further divided into 50 condominium units include Land Use Element Policies 2.2, 3.1 and 3.5, Housing Element Policy 4.3, and the Infrastructure and Waste Disposal Element Policies 1.3, 2.2 and 3.1. The subdivision is also consistent with the Downtown Special Planning Area within the Land Use Element. The subdivision is not within an area adopted as specific plan area.

- 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 is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Downtown Commercial and allows for higher density residential development. Specific applicable policies of the General Plan for creating one parcel to be further divided in 50 residential condominium units include Land Use Element Policies 2.2, 3.1 and 3.5, Housing Element Policy 4.3, and the Infrastructure and Waste Disposal Element Policies 1.3, 2.2 and 3.1. The subdivision is also consistent with the Downtown Special Planning Area within the Land Use Element. The subdivision is not within an area adopted as specific plan area.

- 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 Downtown Commercial land use designations of the General Plan, and complies with all applicable CD/R3 Zoning District site development standards excluding those exceptions otherwise approved;

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- d. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas;

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

This Finding cannot be made. The design of the subdivision will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water.

- f. 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.

5. Density Bonus Findings. With regard to the offered below market rate units and requested parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.040, as follows:

- a. The applicant is offering three Very Low-income units and four Moderate income units for sale, which qualifies the project for additional waivers and incentives.
- b. Per Table DB 2 in Los Altos Municipal Code Section 14.28.040, a project that includes eight percent or more of its total units as very-low income restricted affordable units shall be granted one (1) incentive. The applicant will be requesting one density bonus concession to increase the height from 35 feet to 46 feet. Evidence has not been presented which supports other findings for denial of the requested incentives. The height and the setback incentives are considered an “on-menu” incentive per Section 14.28.040(f) Incentive Standards and, therefore, the City has determined that the incentive would not

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have a specific adverse impact upon public health and safety or the physical environment or upon a listed historical resource.

- c. Per Section 14.28.040(H)(1), a project can request a waiver or reduction of development standards that have the effect of physically precluding the construction of a development in addition to the development incentive permitted by the Municipal Code. Consistent with these requirements, the applicant is requesting a waiver to allow for a building height of up to sixty-three (63) feet and four and a half (4.5) inches where the development standard set forth in LAMC Sec.14.66.240(F) requires that an enclosed roof structure housing the elevator for the proposed residential building that provides access to the roof top be limited to twelve (12) feet in height. Based on findings by the architect for the Project, the elevator housing on the roof deck cannot be constructed unless it is approximately seventeen (17) feet and six (6) inches in height, and an elevator shaft is necessary to comply with accessibility standards. The Council determined the waivers are supported by the fact that the implementation of the standards physically precludes the construction of the development and evidence has not been presented that the waivers will have a specific, adverse impact upon health, safety, or the physical environment, or an adverse impact on any listed historic resource or will be contrary to state or federal law.

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EXHIBIT B-CONDITIONS

Pursuant to Government Code Section 66020(d), notice is hereby given that the 90-day period described in Section 66020 to protect the imposition of any fees, dedications, reservations, or other exactions specified herein shall commence on the date of the approval of these Conditions of Approval.

GENERAL

1. Approved Plans

Project approval is based upon the plans received on April 14, 2022 except as modified by these conditions.

2. 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.

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.

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. Municipal Regional Stormwater Permit

The project shall comply with City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015.

6. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA). Latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.

7. Sewer Lateral

Any proposed 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 inches away from the main.

8. 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

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the construction site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

9. **Pollution Prevention**

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

10. **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.

11. **Civil Engineering Drawings**

The applicant shall submit civil engineering drawings that show property lines with bearing and easements.

PRIOR TO FINAL MAP RECORDATION

12. **Public Access Easement Dedication**

The applicant shall dedicate public access easements for the purpose of providing vehicle and pedestrian access shall be dedicated as follows:

- a. An easement of two feet along the rear alley for use as a public right-of-way; and
- b. An easement of one foot along the First Street frontage to allow for pedestrian access.
- c. If tree wells are approved by Planning Department, Pedestrian Access Easement along First Street shall be wide enough to allow proper ADA clearances.

13. **Public Utility Dedication**

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

14. **Subdivision Agreement**

The applicant shall sign and return Subdivision Improvement Agreement to the City (in a form approved by the City Attorney) for recordation prior to the recordation of the Final Map.

15. **Final Map Application and Payment of Subdivision Fees**

The applicant shall pay all applicable fees, including but not parkland dedication in-lieu fees and map check fee plus deposit as required by the City of Los Altos Municipal Code. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor.

16. **Covenants, Conditions and Restrictions**

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

- a. Long-term maintenance and upkeep of the landscaping and street trees, on-site and in the public right-of-way along the site frontage, as approved by the City, shall be a duty and responsibility of the property owners.
- b. One of the underground parking spaces shall be open for guest users.

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- c. Long-term maintenance and upkeep of the building's exterior materials and finishes shall be the responsibility of the Homeowner's Association.
- d. The Homeowner's Association will store trash receptacles in the underground parking garage level and will be responsible for moving trash receptacles to the temporary staging area at street level no more than 24 hours in advance of trash pickup and will relocate trash receptacles to their storage location within 24 hours of pickup.

PRIOR TO ISSUANCE OF BUILDING PERMIT

17. Final Map Recordation

The applicant shall record the final map.

18. Payment of Impact and Development Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees, traffic impact fees, and public art impact fee as required by the City of Los Altos Municipal Code.

19. Front Entrance

The applicant shall work with the Community Development Director to reduce the scale of the entry along First Street to be consistent with the smaller scale and village character of the downtown by lowering the awning height to the first story and revising the window and door system to be consistent with the size and pattern of the windows for the residential units

20. Affordable Units

The applicant shall work with the Community Development Director to equitably distribute the market-rate and affordable dwelling units immediately adjacent to the trash room at the first and second story to not be significantly distinguishable with regard to design, construction or materials.

21. Downtown Decorated Lights

The applicant shall insure the design and installation of total of two new Downtown Decorated light fixtures along First Street and Whitney Street as directed by the City Engineer.

22. Storm Water Filtration Systems

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

23. 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. The form of bonds shall be as provided by the City.

24. Grading and Drainage Plan

The Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading

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or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Department.

25. Soldier beams/Shoring

The applicant shall insure the design of all soldier beams or other temporary shoring supports are outside the public right-of-way.

26. Sewage Capacity Study

The applicant shall submit calculations showing that the City's existing sewer line will not exceed two-thirds full due to the project's sewer loads. Calculations shall include the 6" main from the front of the property to the point where it connects to the 8" sewer line on San Antonio Rd. 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 replace the 6" sewer line with an 8" sewer line. 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 replace the sewer line with a larger sewer line.

27. 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. The plan shall provide specific details with regards to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods. Sidewalks, parking and travel lanes along First Street and Whitney Street shall not be closed for the full duration of the project. Closures will be reviewed and approved with Encroachment Permit submittals. The applicant shall be required to have a pre-construction meeting with all abutting property owners to discuss the project schedule and to prominently display a sign with the single point of contact the community should interface with for any construction related impacts from the project.

28. 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 multi-family dwellings provide for recycling and organics collection programs.

29. Fire Approval

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 October 21, 2021. A formal review of the building permit plans will be completed subsequent to submittal of a complete set of building permit design plans.

30. 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

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site or more shall be provided to fully characterize the site. A note on the grading plans should 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.

31. 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.

32. 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.

33. Air Quality Mitigation

The applicant shall incorporate into the design plans and shall implement throughout the entire construction process the Bay Area Air Quality Management District's basic Construction Mitigation Measures to reduce emissions of fugitive dust during construction activities (California Environmental Quality Act Air Quality Guidelines. San Francisco, CA. May 2017. http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en (accessed November 2021).

34. Acoustical Report

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

PRIOR TO SUBMITTAL OF BUILDING PERMIT

35. Water Efficient Landscape Plan

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

36. 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. 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.

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37. 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.

PRIOR TO FINAL OCCUPANCY

38. Condominium Map

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

39. Public Alleyway

The Applicant shall improve the entire width of the alleyway along the rear of the project with the treatment approved by the City Engineer.

40. Watch for Pedestrians Sign

The applicant shall install a “watch for pedestrians” sign at the top of the underground parking garage driveway ramp.

41. Sidewalk in Public Right-of-Way

The Applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street and Whitney Street as directed by the City Engineer. All sidewalks in the public right-of-way shall be City Standard concrete sidewalks. The applicant shall remove existing driveway on Whitney Street and replace it with standard curb and gutter. The applicant shall extend sidewalk on Whitney Street from 330 2nd Street property to the alley, and install new driveway approach at the back of 330 2nd Street.

42. New ADA Ramps and Crosswalks

The applicant shall provide two new ADA ramps and crosswalk stripping per the City standards on the northeast and southeast corner of the intersection with First Street and Whitney Street. The applicant shall install new ADA ramps as necessary at the sidewalk extension along Whitney Street.

43. Parking Stall and Red Curb Striping

The applicant shall install parking stall striping and red curb on First Street and Whitney Street as directed by the City Engineer or his designee.

44. 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 First Street if determined to be damaged during construction, as directed by the City Engineer or his designee.

45. Maintenance Bond

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A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way, as indicated in Condition of Approval No. 23.

46. 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.

47. SWMP Certification

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

48. 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.

49. Label Catch Basin Inlets

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 as required by the City.

PRIOR TO RECORDATION OF THE FINAL MAP

50. Affordable Housing Agreement

Prior to the issuance of building permits 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 offers seven (7) below market rate unit, for a period of at least 55 years. The below market rate units shall have four Moderate and three Very-Low Income restricted units, which 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. This issue shall be resolved prior to the recordation of the Final Map.

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EXHIBIT C

City of Los Altos
MITIGATED NEGATIVE DECLARATION
355 First Street Residential Development

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Mitigated Negative Declaration pursuant to the California Environmental Quality Act:

Project Name:	355 First St. Residential Project
Lead Agency:	City of Los Altos
Project Proponent:	355 1st St LLC. C/O DeNardi Wang Homes
Project Location:	355, 365, 371, 373 First St., Los Altos, CA
Project Description:	The proposed project includes demolition of the seven existing buildings and construction of a 79,431 square foot, 50-unit, four story condominium building and two levels of underground parking.
Written Comments To	Guido Persicone Planning Services Manager City of Los Altos 1 N. San Antonio Road Los Altos, CA 94022
Proposed Findings	The City of Los Altos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (the City of Los Altos) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Air Quality

- AQ-1 The project applicant shall include the following BAAQMD best management practices to minimize DPM (PM10) and PM2.5 emissions on the project plans and the contractor shall implement them during all phases of construction:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - b. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered;
 - c. All visible mud or dirt track-out onto adjacent public roads shall 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 shall be limited to 15 miles per hour;
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
 - h. Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2 Prior to the issuance of the demolition and grading permits, the project developers shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a minimum 30 percent reduction in DPM emissions.

The plan shall be prepared at the applicant's expense and shall be reviewed and approved by the City's Director of Planning or Director's designee, prior to issuance of demolition and grading permits. The plan shall be accompanied by a letter prepared by a qualified air quality consultant, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

- a. At least five of the mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines. The plan shall include specifications of the equipment to be used during construction and confirmation this requirement is met; and,
- b. Other demonstrable measures identified by the developer and confirmed by the air quality consultant, that reduce emissions and avoid or minimize the affected sensitive receptors exposures by at least 30 percent.

Biological Resources

BIO-1 Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.
- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the City of Los Altos. Compliance with this measure shall be documented and submitted to the City prior to issuance of tree removal, demolition, and grading permits.

BIO-2 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2021 Arborist Report (Kielty Arborist Services LLC). Also, in accordance with the City’s Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the City for project approvals.

Cultural Resources

- CUL-1 In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Community Development will be notified, and the archaeologist will examine the find and make appropriate recommendations, in collaboration with a Tamien Tribal representative, prior to commencement of construction. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Community Development, the California Historical Resources Information System (CHRIS) and the Tamien Nation.
- CUL-2 In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and will make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

Geology and Soils

- GEO-1 The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The applicant shall provide the Community Development Director with documentation showing the training has been completed by all required construction personnel prior to issuance of grading permits.
- GEO-2 If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.

Hazards and Hazardous Materials

- HAZ-1 Prior to issuance of a demolition permit, the following measures shall be incorporated into demolition plans:
- a. All PCB-containing ballasts shall be removed and disposed of in accordance with state and local laws.
 - b. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.
 - c. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations.
 - d. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Noise

- NOI-1 Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:
- Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 5:30 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 3:00 p.m., in accordance with the city's municipal code for construction in a single-family residential zone. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.

- Use of the concrete saw within 50 feet of any shared property line shall be limited.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors (residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- A temporary noise control blanket barrier could be erected, if necessary, at the property line or along building facades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to all adjacent properties with the construction schedule.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

NOI-2 Prior to the issuance of a building permit, 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 in order to determine whether the proposed noise reduction measures sufficiently reduce noise to comply with the city's noise limit at the shared property line.

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.

NOI-3 A construction vibration-monitoring plan shall be implemented to document conditions at the structure located adjacent to the proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to ground borne vibration of the structure located adjacent to the construction.
- Performance of a photo survey, elevation survey, and crack monitoring survey for the structure located adjacent to the construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure. Interior inspections would be subject to property owners' permission.
- Conduct a post-survey on the structure where monitoring has indicated damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

ATTACHMENT A

Tribal Cultural Resources

In addition to mitigation measures CUL-1 and CUL-2 presented in Section D5, Cultural Resources, the following measures shall be implemented:

- TR-1 The applicant shall contract with the Tamien Nation to development and implement a cultural resource sensitivity training program for the construction work crew on the first day of construction. The archaeologist shall provide evidence of the training to the City Planning Division, which shall include the training materials and a sign-in list of trained construction personnel, at the end of the first day of construction.

- TR-2 The applicant shall contract with the Tamien Tribal to monitor ground disturbing activities, including but not limited to removal of existing building foundations, trees, and grading activities.

The applicant shall also contract with a qualified archaeologist to be on-call should cultural or Tribal resources be inadvertently discovered.

Evidence of a contracts with the Tribal monitor and archaeologist shall be provided to the City Planning Division prior to issuance of a building demolition permit and/or a grading permit.

Should Tribal or cultural resources be inadvertently discovered, the Tamien Nation Treatment Protocol shall be implemented. Whether or not Tribal or cultural resources are inadvertently discovered, the Tribal monitor shall prepare a monitoring report to be submitted to the City Planning Division, prior to issuance of an occupancy permit.

The location of Tribal resources is confidential, may be redacted from monitoring reports, and shall not be made available for public review. The location of sensitive cultural resources is exempt from the Public Records Act.

ATTACHMENT A

EXHIBIT D

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration for the *5150 El Camino Real Residential Development* project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant and for which no standard or mitigation measures would be required.

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;</p> <p>g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and</p> <p>h. Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.</p>				

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
AQ-2	<p>Prior to the issuance of the demolition and grading permits, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a minimum 30 percent reduction in DPM emissions.</p> <p>The plan shall be prepared at the applicant’s expense and shall be reviewed and approved by the City’s Director of Planning or Director’s designee, prior to issuance of demolition and grading permits. The plan shall be accompanied by a letter prepared by a qualified air quality consultant, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:</p> <p>a. At least five of the mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines. The plan shall include specifications of the equipment to be used during construction and confirmation this requirement is met; and,</p> <p>b. Other demonstrable measures identified by the developer and confirmed by the air quality consultant, that reduce emissions and avoid or minimize the</p>	<p>Prepare demolition and construction emissions avoidance and reduction plan</p> <p>The plan shall also include a letter prepared by a qualified air quality consultant</p> <p>The plan shall include these measures for implementation by the applicant or developer</p>	<p>Project Developer</p> <p>City’s Director of Planning or Director’s designee</p>	<p>Prior to issuance of the demolition and grading permits</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	affected sensitive receptors exposures by at least 30 percent.				
Biological Resources					
BIO-1	<p>Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.</p> <p>If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.</p>	Retain qualified biologist to conduct survey, if construction occurs during the bird nesting season	Developers with oversight by the City of Los Altos	Prior to issuance of tree removal, demolition, and grading permits	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.</p> <p>b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If</p>	<p>Conduct two surveys for active bird nests</p>		<p>14 days prior to construction start</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.</p> <p>Developers shall be responsible for implementation of this mitigation measure with oversight by the City of Los Altos. Compliance with this measure shall be documented and submitted to the City prior to issuance of tree removal, demolition, and grading permits.</p>				
BIO 2	<p>Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2021 Arborist Report (Kielty Arborist Services LLC). Also, in accordance with the City's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the City for project approvals.</p>	<p>Retain certified arborist to develop a site-specific tree protection plan</p>	<p>Developer</p>	<p>Prior to issuance of a tree removal permit and/or a grading permit</p>	
Cultural Resources					

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
CUL-1	In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Community Development will be notified, and the archaeologist will examine the find and make appropriate recommendations, in collaboration with a Tamien Tribal representative, prior to commencement of construction. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Community Development, the California Historical Resources Information System (CHRIS) and the Tamien Nation.	Include measure on the project plans	Developer and Contractor	During construction activities	
CUL-2	In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and will make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	Include measure on the project plans	Developer and Contractor	During construction activities	
Geology & Soils					

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
GEO-1	The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The applicant shall provide the Community Development Director with documentation showing the training has been completed by all required construction personnel prior to issuance of grading permits.	Include measure on the project plans Hire a qualified paleontologist to provide worker training	Developer and Contractor	Prior to issuing a grading permit	
GEO-2	If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.	Include measure on the project plans	Developer and Contractor	During Construction	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
Hazards and Hazardous Materials					
HAZ-1	<p>Prior to issuance of a demolition permit, the following measures shall be incorporated into demolition plans:</p> <p>a. All PCB-containing ballasts shall be removed and disposed of in accordance with state and local laws.</p> <p>b. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.</p> <p>c. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations.</p> <p>d. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p>	<p>Incorporate measure into demolition plans Implement measures</p>	<p>Developer and Contractor Developer and Contractor</p>	<p>Prior to issuance of a demolition permit During Construction</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
Noise					
NOI-1	<p>Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:</p> <p>a. Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 5:30 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 3:00 p.m., in accordance with the city’s municipal code for construction in a single-family residential zone. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.</p> <p>b. Use of the concrete saw within 50 feet of any shared property line shall be limited.</p> <p>c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p>	Implement best management practices for construction equipment	City’s Director of Planning or Director’s designee	During construction activities	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>d. Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.</p> <p>e. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors (residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</p> <p>f. Utilize “quiet” air compressors and other stationary noise sources where technology exists.</p> <p>g. A temporary noise control blanket barrier could be erected, if necessary, at the property line or along building facades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.</p> <p>h. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</p> <p>i. The contractor shall prepare a detailed construction plan identifying the schedule for major noise- generating construction activities and shall send</p>				

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>a notice to all adjacent properties with the construction schedule.</p> <p>j. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p>				

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
NOI-2	<p>Prior to the issuance of a building permit, 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 in order to determine whether the proposed noise reduction measures sufficiently reduce noise to comply with the city’s noise limit at the shared property line. 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.</p>	Retain qualified acoustical consultant	City’s Director of Planning or Director’s designee	Prior to issuance of a building permit	
NOI-3	<p>A construction vibration-monitoring plan shall be implemented to document conditions at the structure located adjacent to the proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:</p> <ul style="list-style-type: none"> • Identification of sensitivity to ground borne vibration of the structure located adjacent to the construction. 	Implement construction vibration-monitoring plan	Developer and State of California licensed Professional Structural Engineer	Prior to grading activities	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
Tribal Cultural Resources					
TR-1	The applicant shall contract with the Tamien Nation to development and implement a cultural resource sensitivity training program for the construction work crew on the first day of construction. The archaeologist shall provide evidence of the training to the City Planning Division, which shall include the training materials and a sign-in list of trained construction personnel, at the end of the first day of construction.	Contract with Tamien Nation to develop and implement measure.	Developer	During construction activities	
TR-2	<p>The applicant shall contract with the Tamien Tribal to monitor ground disturbing activities, including but not limited to removal of existing building foundations, trees, and grading activities.</p> <p>The applicant shall also contract with a qualified archaeologist to be on-call should cultural or Tribal resources be inadvertently discovered.</p> <p>Evidence of a contracts with the Tribal monitor and archaeologist shall be provided to the City Planning Division prior to issuance of a building demolition permit and/or a grading permit.</p>	Contract with Tamien Nation to develop and implement measure.	Developer	During construction activities	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>Should Tribal or cultural resources be inadvertently discovered, the Tamien Nation Treatment Protocol shall be implemented. Whether or not Tribal or cultural resources are inadvertently discovered, the Tribal monitor shall prepare a monitoring report to be submitted to the City Planning Division, prior to issuance of an occupancy permit.</p> <p>The location of Tribal resources is confidential, may be redacted from monitoring reports, and shall not be made available for public review. The location of sensitive cultural resources is exempt from the Public Records Act.</p>				