

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, APPROVING AMENDMENTS TO THE INCLUSIONARY HOUSING REQUIREMENT FOR A 20-UNIT MULTI-FAMILY PROJECT AT 425 FIRST STREET

WHEREAS, the City of Los Altos received an application from Jeff Warmoth (Applicant), for a Modification of approved Design Review Permit (18-D-06) and Subdivision (18-SD-04) for the property located at 425 First Street. The Modification Request is to change the existing below market rate unit mix from one (1) low-income unit and two (2) moderate-income units to a proposed below market rate unit mix of three (3) low-income units and one (1) moderate-income unit, referred to herein as the “Project”; and

WHEREAS, said Project is located in the CD/R3 District, which allows multiple-family housing as a permitted use and does not specify a maximum allowable residential density; and

WHEREAS, the Applicant is offering one moderate-income and three low-income affordable housing units for sale as part of the Project; and

WHEREAS, the Applicant’s proposed unit mix would consist of 20 percent of its total units as affordable units, with 15 percent of the units affordable at the low-income level, thereby entitling the project to qualify for one incentive, and additional concessions and waivers pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

WHEREAS, the Applicant is not seeking any incentives or waivers under Government Code Section 65915(e) and Los Altos Municipal Code Sections 14.28.040(F); and

WHEREAS, the Applicant continues to seek a parking requirement alteration under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(G) to allow for a reduction in the minimum onsite parking requirement; and

WHEREAS, said Project is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment; 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, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the modifications to the Project subject to the Findings (Exhibit A), the Conditions of Approval (Exhibit B) from Resolution 2024-XX with modifications to the Project, attached hereto and incorporated by this reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 30th day of April 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, CMC, CITY CLERK

EXHIBIT A

FINDINGS

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the City Council adopts the Exemption with the following findings:
 - a. Section 15061 (b)(3) applies to projects where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.
 - b. On the basis of the whole record before the City Council, there is no substantial evidence that the Design Review and Affordable Housing and Density Bonus applications, Planning Division File No. MOD24-0001 would have a significant effect on the environment.
 - c. The custodian of record is the Development Services Department. The location of the record is 1 North San Antonio Road, Los Altos, CA 94022.
2. DESIGN REVIEW FINDINGS. With regard to the modification to Design Review Application MOD24-0001, the City Council finds, in accordance with Section 14.76.060 of the Los Altos Municipal Code, as follows:
 - a. The Project continues to meet the goals, policies and objectives of the General Plan with its level of intensity and residential density within the First Street corridor in Downtown Los Altos, and all Zoning Code site standards and design criteria applicable for a project in the CD/R3 District;
 - b. The Project continues to maintain architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design because the proposed minor interior alterations do not alter the exterior of the building approved under Design Review Application 18-SD-04. The building continues to utilize high quality materials that support their architectural style and are appropriately articulated and scaled to relate to the larger buildings utilizes high quality materials that support its architectural style and is appropriately articulated and scaled to relate to the size and scale of the surrounding buildings on the First Street corridor;
 - c. Building mass continues to be articulated to relate to the human scale, both horizontally and vertically as evidenced in the design of the raised planter boxes, projecting overhangs and balconies because the proposed minor interior alterations does not alter the exterior of the building approved under Design Review Application 18-SD-04. The building continues to maintain variation and depth and avoid large blank wall surfaces, and the project continues to incorporate elements that signal habitation, such as identifiable entrances, overhangs, high quality wood trim finishes and balconies;
 - d. The Project's exterior materials and finishes convey high quality, integrity, permanence and durability, and the materials continue to be used effectively to define building elements. Materials, finishes, and colors continue to be 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 because the proposed minor interior alterations do not alter the exterior of the building approved under Design Review Application 18-SD-04, and retains all materials, finishes and colors;

- e. Landscaping continues to be generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas and continues 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 proposed minor interior alterations do not alter the landscaping approved under Design Review Application 18-SD-04. Landscaping, and the proposed landscape and hardscape elements continue to complement the proposed building design;
- f. Signage, which is limited to the building address number and other required directional signage, will continue to be designed to complement the building architecture in terms of style, materials, colors and proportions;
- g. Mechanical equipment is screened from public view by the sloped roof parapet and continues to be designed to be consistent with the building architecture in form, material and detailing because the proposed minor interior alterations does not alter the exterior of the building approved under Design Review Application 18-SD-04; and
- h. Service, trash and utility areas continue to be screened from public view by their locations in the building garage and behind fencing in the interior side yard, and consistent with the building architecture in materials and detailing because the proposed minor interior alterations do not alter the exterior of the building approved under Design Review Application 18-SD-04 which maintains screening of all service, trash and utility areas; and

3. **AFFORDABLE HOUSING AND 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 low-income units and one moderate-income unit for sale, which qualifies the project for an incentive, additional waivers and a parking requirement alteration;
- b. The applicant is not requesting an incentive or any waivers;
- c. Per Section 14.28.040(G)(2)(a), the City shall continue to allow a minimum parking requirement, inclusive of handicapped and guest parking, of one (1) onsite parking space for each studio and one-bedroom unit and two (2) onsite parking spaces for each two-bedroom unit if requested by the applicant; and
- d. The project includes four (4) studio units, eight (8) one-bedroom units and eight (8) two-bedroom units and is providing 28 onsite parking spaces, where a minimum of 28 onsite parking spaces is required, thus it is meeting the minimum permitted by the Code.

EXHIBIT B
CONDITIONS

GENERAL

1. Conditions in Resolution No. 2019-43

The below conditions shall supplement and not supersede the conditions of approval in resolution No. 2019-43, unless specified otherwise in the below conditions.

2. Approved Plans

The approval is based on the plans and submittal documents received on March 19, 2024.

3. Affordable Housing

The condition shall supersede Condition No. 2 in Resolution 2019-43, and the applicant shall offer the City four (4) below market rate units as follows:

- a. Three (3) studio units at the low-income level for sale
- b. One one-bedroom unit at the moderate-income level for sale.

4. 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.

PRIOR TO FINAL OCCUPANCY

- 5. Affordable Housing Agreement** The condition shall supersede Condition No. 24 in Resolution 2019-43. The Applicant shall execute and record a revised Affordable Housing Agreement, in a form approved and signed by the Development Services Director and the City Attorney, that offers four (4) below market rate for-sale units, including three studio units at the low-income level and one one-bedroom unit at the moderate-income level, for a period of at least 55 years, as defined in Condition No. 3. 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.