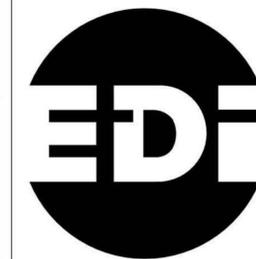




EAST ELEVATION - First Street



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396 FIRST
STREET

LOS ALTOS
CA

LENNAR
HOMES

19 APRIL 2011

JOB # 10103

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A-5



AGENDA REPORT

MEETING DATE: May 24, 2011

TO: City Council

FROM: Zachary Dahl, Senior Planner

SUBJECT: Multiple-Family Development at 396 First Street

RECOMMENDATION: Approve Design Review and Subdivision applications subject to the findings and conditions.

SUMMARY:

Estimated Fiscal Impact:

Amount: Not Applicable

Budgeted: Not Applicable

Public Hearing Notice: May 5, 2011

Previous Council Consideration: None

CEQA Status: Categorically Exempt

Attachments:

1. Planning Commission Minutes, May 5, 2011
2. Planning Commission Memorandum, May 5, 2011
3. Correspondence

James Walgren, Assistant City Manager

Date

Douglas J. Schmitz, City Manager

Date

BACKGROUND:

This is a multiple-family residential Design Review and Subdivision Map application for a new three-story structure with 20 condominium units at 396 First Street (the former site of Adobe Animal Hospital). The project includes an underground parking garage with 36 parking spaces and two below-market rate units (a one-bedroom unit and a two-bedroom unit).

A public hearing before the Planning Commission was held on May 5, 2011. At the meeting, a majority of the Commission expressed their general support for the project design and its consistency with the City's goals for downtown development. One commissioner did raise concerns about the project design, noting that it should be simplified and more consistent with the downtown commercial character. Following the discussion, the Commission voted 4-1 to recommend approval of the project. The Planning Commission memorandum, which includes information about project specifics, and meeting minutes are attached for reference.

DISCUSSION:

Staff has added a Condition No. 6 to require the applicant to obtain a tree removal permit from the County of Santa Clara prior to removing any trees in the Foothill Expressway right-of-way. The County has also expressed concerns about planting Canary Island Pines in the Foothill Expressway right-of-way, so Condition No. 5 has been modified to remove that tree reference. Staff will continue to work with the County to identify tree species for the Foothill Expressway shoulder that are consistent with downtown street trees and meet the maintenance requirements along the expressway.

FINDINGS

11-D-02 and 11-SD-01—396 First Street

1. The City Council finds in accordance with Section 15332 of the California Environmental Quality Act Guidelines as amended on January 1, 2011 that the following Categorical Exemption findings can be made:
 - A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - C. The project site has no value as habitat for endangered, rare or threatened species;
 - D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
 - E. The site can be adequately served by all required utilities and public services.
2. The City Council finds in accordance with Chapter 14.78 of the Municipal Code that the following Design Review findings can be made:
 - 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;
 - 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;
 - 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;
 - D. Exterior materials and finishes convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements;
 - 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;
- F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions;
 - 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; and
 - 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.
3. The City Council finds in accordance with Section 66474 of the Subdivision Map Act of the State of California that the following summary findings for subdivision application 11-SD-01 can be made:
- A. That the proposed subdivision is consistent with the Downtown Commercial General Plan land use;
 - B. That the site is physically suitable for this type and density of development;
 - C. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife;
 - D. That the design of the subdivision is not likely to cause serious public health problems; and
 - E. That the design of the subdivision will not conflict with public access easements.

CONDITIONS

11-D-02 and 11-SD-01—396 First Street

GENERAL

1. Project approval is based upon the plans received on April 22, 2011 except as modified by these conditions.
2. All work within the public right-of-way shall be done in accordance with plans to be approved by the City Engineer.
3. An encroachment permit and/or a permit to open streets 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. The project shall comply with the City of Los Altos Municipal Regional Storm Water (MRP) NPDES Permit No. CA S612008, Order R2-2009-0074 dated October 14, 2009. The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
5. The large street trees located in the Foothill Expressway right-of-way shall be consistent with tree planting pattern along the edge of downtown. The final tree planting plan shall be approved by the Community Development Director and Santa Clara County Roads and Airports.
6. The applicant shall obtain a tree removal from Santa Clara County prior to removing any trees in the Foothill Expressway right-of-way.
7. The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
8. Improvements shall comply with Americans with Disabilities Act (ADA).
9. Any proposed sewer lateral connection shall be approved by the City Engineer.
10. One condominium unit: Unit 14 (two-bedroom), shall be offered for sale to a moderate income household for a 30-year period or for rent at a price that is affordable to a very low income household for a 30-year period in accordance with the City’s Affordable Housing Agreement.
11. One condominium unit: Unit 3 (one-bedroom), shall be offered for sale to a low income household for a 30-year period or for rent at a price that is affordable to a very low

income household for a 30-year period in accordance with the City's Affordable Housing Agreement.

12. In the event it is necessary to acquire offsite easements or street rights-of-way, the owner shall enter into an agreement with the City prior to final map approval agreeing to pay all condemnation costs, for dedication of all required easements or street rights-of-way. This agreement shall be recorded and require the owner to deposit all condemnation costs with the City within 21 days of Parcel Map approval. The owner shall agree to provide an initial cash deposit as determined by the City.
13. The applicant agrees to hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging the City's action with respect to the applicant's project.

PRIOR TO BUILDING PERMIT SUBMITTAL

14. The applicant shall execute an Affordable Housing Agreement with the City to retain the two below-market rate units as required by the City Attorney and the Community Development Director.
15. The applicant shall provide an address signage plan.
16. The applicant shall provide verification that the project is designed with a GreenPoint Rating of 50 points or more and identify the project's GreenPoint rater.
17. The applicant shall prepare a landscape and irrigation plan that includes the Foothill Expressway shoulder within the public right-of-way that fronts on the subject property. The plan shall meet the requirements of the State's Model Water Efficient Landscape Ordinance (AB 1881) and it shall be reviewed and approved by the Community Development Director.
18. The project plans shall provide for the following window and door STC ratings:
 - a. All second and third floor windows on the western elevation shall have a minimum STC rating of 30.
 - b. All second and third floor windows on the northern and southern elevations shall have a minimum STC rating of 28.
 - c. All second and third floor doors on the western elevation shall have a minimum STC rating of 28.

PRIOR TO FINAL MAP RECORDATION

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

20. The applicant shall pay a fee in lieu of parkland dedication in accordance with Chapter 13.24 of the Los Altos Municipal Code.
21. The applicant shall pay a fee in lieu of traffic impact in accordance with Chapter 3.48 of the Los Altos Municipal Code.
22. The applicant shall pay all applicable sanitary sewer connection fees.
23. The applicant shall include provisions in the Covenants, Conditions and Restrictions (CC&Rs) that restrict storage on the private patio and decks, and outline rules for other objects stored on the private patio and decks with the goal of minimizing visual impacts to First Street and Foothill Expressway.

PRIOR TO ISSUANCE OF BUILDING PERMIT

24. 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.
25. The applicant shall submit the 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 SWMP shall be shown on the building plans.
26. The applicant shall submit on-site grading and drainage plans that include (i.e., drain swale, drain inlets, rough pad elevations, building envelopes, elevations at property lines) for approval by City Engineer.
27. The applicant shall submit calculations showing that the City's existing six-inch sewer line will not exceed two-thirds full due to the project's sewer loads. Calculations shall include the six-inch main from the front of the property to the point where it connects to the eight-inch sewer line on San Antonio Road. 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 six-inch sewer line with an eight-inch sewer line.
28. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, pedestrian protection, material storage, earth retention, and construction vehicle parking, shall be provided to the City Engineer for review and approval.
29. A truck routing and staging plan for the proposed excavation of the site shall be submitted for review and approval by the City Engineer. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

30. The applicant shall contact Mission Trails Waste Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division.
31. Prior to the removal and resurfacing the entire width of the alley on the west side of the property line, the applicant must obtain written permission from the owner prior to the work in the easement.

PRIOR TO FINAL OCCUPANCY

32. The applicant shall provide verification that the project was built in compliance with the GreenPoint Rated approval.
33. All landscaping and irrigation shall be installed. The applicant shall obtain an encroachment permit from County Roads and Airports prior to installation of landscaping and irrigation in the Foothill Expressway shoulder.
34. The applicant shall provide an acoustical analysis that evaluates the interior noise levels in the residential units to ensure that the project is in compliance with the City's General Plan and Noise Ordinance.
35. The applicant shall remove the existing driveway approach and shall replace it with standard curb, gutter, and sidewalk.
36. The applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street as directed by the City Engineer.
37. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
38. 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.
39. The applicant shall install stop marking and/or a stop sign at the exit before the driveway crosses the public sidewalk. The stop marking and/or sign location shall be approved by the City Engineer.
40. The applicant shall submit a recorded maintenance agreement for the storm water treatment methods installed in accordance with the Storm Water Management Plan (SWMP).
41. The applicant shall submit a certificate of completeness pursuant to the State's Model Water Efficient Landscape Ordinance (AB 1881).



MEMORANDUM

DATE: May 5, 2011
TO: Planning Commission
FROM: Zachary Dahl, Senior Planner
SUBJECT: 11-D-02 AND 11-SD-01—396 FIRST STREET

RECOMMENDATION

Recommend approval of Design Review application 11-D-02 and Subdivision application 11-SD-01 to the City Council subject to the findings and conditions.

PROJECT DESCRIPTION

This is a multiple family residential Design Review and Subdivision Map application for a new three-story structure with 20 condominium units at 396 First Street (the former site of Adobe Animal Hospital). The project includes an underground parking garage with 36 spaces. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION:	Downtown Commercial
ZONING:	CD/R3, Commercial Downtown/Multiple Family
PARCEL SIZE:	17,457 square feet
MATERIALS:	Verona clay tile roof, cement plaster siding, Fibrex windows, faux wood lentils, pre-cast stone details and black wrought iron railings

	Existing	Proposed	Allowed/Required
FLOOR AREA:	6,656 square feet	29,694 square feet ¹	N-A
SETBACKS:			
Front (First Street)	2 feet, 6 inches	10 feet	10 feet
Left Side	56 feet	0 feet	0 feet
Right Side	12 feet	10 feet	0 feet
Rear (Foothill)	14 feet	10 feet, 4 inches	10 feet
HEIGHT:	24 feet	43 feet, 6 inches	45 feet
PARKING:	26 spaces	36 spaces	36 spaces

¹ The floor area has been updated to correctly reflect the proposed square footage of the residential units, the common area and the stairwells on each floor; however, the project has not changed in size.

BACKGROUND

Architecture and Site Review Committee Recommendation

The project was heard before the Architecture and Site Review Committee on April 6, 2011. At the meeting, the Committee expressed general support for the project and recommended approval of the project subject to positive design findings with the following comments in addition to the staff recommended direction:

- Use true divided light, wood windows instead of vinyl.
- Consider an alternative to the Canary Island Pine tree.
- Consider a design alternative more suitable and consistent with the commercial neighborhood.

The staff memorandum and meeting minutes are attached for reference.

DISCUSSION

Design Changes

The plans have been revised to address staff concerns. The correct height measurement and a cross-section through the elevator tower are shown on Sheet A-7, and a front yard softscape calculation is shown on Sheet TM-2. The gas meter location next to the driveway is shown in more detail and the plans note that all other mechanical equipment will be housed in the underground parking garage. The building materials have been improved with the addition of faux wood headers in place of painted stucco. The design of the masonry wall along Foothill has been revised to be consistent with other walls along the Foothill Expressway edge. With regard to the faux windows on the second story stairwell on the south elevation, the applicant has kept them in the same style as previously proposed but provided additional detail to show that they would not have the same depth as the other similar windows along this elevation.

In addition to the staff recommended direction, the Architecture and Site Review Committee added direction with regard to reconsidering the tree species used along Foothill Expressway, using true divided light windows and considering a building design that was less residential in character. The use of Canary Island Pines along Foothill Expressway was done at the direction of staff and the City's arborist. However, after further consideration, staff supports using Redwood or Canary Island Pine trees, or a mixture of both along the Foothill Expressway edge. It should be noted that while Foothill Expressway is under the jurisdiction of Santa Clara County, tree and landscaping irrigation and maintenance is handled by the City.

The applicant provided more detail about the style of windows to be used in the project. As noted on the Color and Material Board sheet, the window material will be Fibrex, which is a wood and plastic polymer that has the appearance of a wood window. But it does not appear that the windows will have true divided lights. The applicant has also chosen to move forward with the design as

originally proposed rather than revise it to address the comment about the residential character of the building.

Design Review Summary

As outlined in the Architecture and Site Review Committee memorandum, the project implements desired goals of the Downtown Design Plan, meets the intent of the Downtown Design Guidelines, is consistent with the General Plan and meets the intent of all applicable Zoning Ordinance requirements.

The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design. The bulk and mass of this structure, while more dominate than other buildings in the vicinity, is designed at an appropriate scale given the overall size of the project. The raised landscaping and individual entrance stairs maintain a human scale and convey the residential nature of the project. The central tower creates a focal point on the front elevation that highlights the main entrance and splits the building into two forms that reflect the underlying 50-foot building module that exists along this section of First Street.

The applicant has indicated that the project will not have any signage. However, since most of the condominium units do not have entrances directly on First Street, it is anticipated that some address signage will be necessary. Therefore, staff has added a condition (No. 23) that the applicant provide details on the project's address signage that are consistent with the residential sign requirements prior to submitting for a building permit.

The front yard landscaping has been designed in two levels to transition up to the raised first floor and includes seven street trees along the front property line. The project also includes undergrounding the overhead power lines along the property frontage and replacement of the sidewalk. These improvements, along with the new landscaping and street trees will improve the aesthetics and streetscape along this section of First Street.

The project will also re-landscape and install irrigation in the Foothill Expressway shoulder along the property frontage. The six-foot tall masonry wall with an 18-inch wrought iron railing is appropriate for a residential project and consistent with other walls approved along Foothill Expressway. As noted above, staff now recommends that the trees along the Foothill Expressway edge be Canary Island Pines, Redwoods, or a mixture of both species (Condition No. 5).

Affordable Housing and Development Incentives

Both the City's General Plan and the Multiple-Family Affordable Housing ordinance (Chapter 14.28) require new multiple-family housing projects to include below market rate (BMR) units. For residential projects over 10 units, a minimum of 10-percent of the for-sale units are required to be designated as BMR units. In order to meet this requirement, the applicant is proposing two of the condominium units, 10 percent of the total units, be designated as BMR. Unit 14, a two-bedroom unit, will be affordable at the Moderate income level and Unit 3, a one-bedroom unit, will be

affordable at the Low income level. In order to help offset the cost incurred by the applicant to provide these affordable housing units, State law requires a jurisdiction, if requested by the applicant, to grant a density bonus and a development incentive when at least 10 percent of the residential units are designated as BMR for persons or families at a Moderate income level.

The CD/R3 District does not have a density limit, so the project is not bound by a maximum number of units. Therefore a density bonus is not needed, nor is it applicable, for this project. For their development incentive, the applicant is requesting three minor exceptions to the zoning regulations: 1) a waiver of the 60 percent rear yard softscape requirement, 2) a reduction in the rear yard setback requirement to allow the trash enclosure to be located within the 10-foot setback area and 3) a two-foot reduction in the required backup area for on-site parking spaces.

Since the four patios in the rear yard setback each include a planter for a medium sized tree and are screened from view by the masonry wall and landscaping along Foothill Expressway, waiving the softscape requirement does not take away from the desired landscaping that would typically result from this requirement. The trash enclosure is screened from view by both the topographic grade change and masonry wall along Foothill Expressway and appropriately located at the end of the access driveway. The parking exception is discussed below.

Parking

The project is not within the public parking plaza district and therefore required to provide onsite parking. For multiple-family projects, the City's Parking Ordinance requires two parking spaces for each dwelling unit that has two rooms or more in addition to the kitchen and bathroom. For this project, the Code would have required a minimum of 40 parking spaces. However, as mandated by State law for projects that provide below market rate (BMR) units, the City is required to reduce the parking requirements to one space per one-bedroom unit and two spaces per two- and three-bedroom units. Therefore, the minimum number of required parking spaces for this project is 36 spaces. As such, the 36 parking spaces that are proposed meet the minimum parking requirement.

The standard dimension for the backup area of a nine-foot wide perpendicular parking stall is 26 feet, but as shown on Sheet A-1, the project is providing a 24-foot backup area. To support an exception for this reduced dimension, a parking analysis that evaluated the proposed parking garage was submitted (attached). Based on the conclusions in the analysis, the 24-foot backup areas are appropriate to provide adequate vehicle circulation in a private residential garage with assigned parking. Thus, staff supports considering this minor parking backup area reduction, along with the rear yard exceptions, as the project's development incentive.

The Zoning Ordinance does not require any onsite guest parking in the CD/R3 District. However, there will be six public parking spaces within the First Street right-of-way that front on the property that could be used by guests. There is also ample on-street parking in the vicinity of the project along First Street and Lyell Street that could be used by the project. These parking spaces are outside the downtown core and available as overflow guest parking.

Condominium Subdivision

The project includes a condominium subdivision tentative map. The subdivision will divide the property into 20 separate residential condominium units along with underground parking spaces, private open space patios for the ground level units and a common use lobby area. Subdivisions must meet the permitted density allowed in the City's General Plan, cannot be injurious to public health and safety, must be suitable for the proposed type of development, and must not conflict with access easements.

Since the City's General Plan does not have a maximum density for residential development in this area, the project meets the allowed General Plan and zoning density. The site is an in-fill site with access to all public utilities and public right-of-way and does not conflict with any access easements. Therefore, the project meets all required subdivision findings.

Also, to ensure that private patios do not become unsightly storage areas that detract from the visual appearance of the area, staff has added a condition to include rules about limiting storage and minimizing the visual impact of other items in the private patios facing First Street and Foothill Expressway (Condition No. 22).

Environmental Review

This project, which is defined as an infill project, qualifies for a categorical exemption provided that it meets the following five conditions:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
3. The project site has no value as habitat for endangered, rare or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The site can be adequately served by all required utilities and public services.

As discussed in earlier sections, the project is consistent with the General Plan land use and zoning designations as well as all applicable policies and regulations. The site is less than five acres, surrounded by urban uses, does not provide any habitat for endangered, rare or threatened species, and can be served by all required utilities and public services. In addition, the project will not create any significant effects relating to air quality or water quality.

An environmental noise analysis was prepared for the project by Illingworth & Rodkin, Inc. (attached). Based on the findings in that analysis, the project will not create any noise impacts and with minimum sound transmission class (STC) rated windows (Condition No. 17), the proposed residential units will not experience any noise impacts. A traffic analysis was prepared for the project by Hexagon Transportation Consultants (attached). Based on the findings in the analysis,

Planning Commission
11-D-02 and 11-SD-01, 396 First Street
May 5, 2011
Page 6

the project will generate 384 fewer average daily trips than the previous animal hospital use and thus it will reduce traffic impacts.

Therefore, since this project is classified as an infill project and meets the required conditions, it is categorically exempt from environmental review under Section 15332 of the California Environmental Quality Act.

Cc: Doug Rich, Lennar Homes, Applicant
396 First Los Altos, LLC, Owner
Richard Handlen, Architect

Attachments:

- A. Architectural and Site Review Committee Minutes, April 6, 2011
- B. Architectural and Site Review Committee Staff Report, April 6, 2011
- C. Arborist Report, McClenahan Consulting
- D. Parking Analysis, International Parking Design
- E. Noise Assessment, Illingworth & Rodkin, Inc.
- F. Trip Generation Study, Hexagon Transportation Consultants
- G. Correspondence

FINDINGS

11-D-02 and 11-SD-01—396 First Street

1. The Planning Commission finds in accordance with Section 15332 of the California Environmental Quality Act Guidelines as amended on January 1, 2011 that the following Categorical Exemption findings can be made:
 - A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - C. The project site has no value as habitat for endangered, rare or threatened species;
 - D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
 - E. The site can be adequately served by all required utilities and public services.
2. The Planning Commission finds in accordance with Chapter 14.78 of the Municipal Code that the following Design Review findings can be made:
 - 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;
 - 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;
 - 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;
 - D. Exterior materials and finishes convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements;
 - 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;

- F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions;
 - 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; and
 - 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.
3. The Planning Commission finds in accordance with Section 66474 of the Subdivision Map Act of the State of California that the following summary findings for subdivision application 11-SD-01 can be made:
- A. That the proposed subdivision is consistent with the Downtown Commercial General Plan land use;
 - B. That the site is physically suitable for this type and density of development;
 - C. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife;
 - D. That the design of the subdivision is not likely to cause serious public health problems; and
 - E. That the design of the subdivision will not conflict with public access easements.

CONDITIONS

11-D-02 and 11-SD-01—396 First Street

GENERAL

1. Project approval is based upon the plans received on April 22, 2011 except as modified by these conditions.
2. All work within the public right of way shall be done in accordance with plans to be approved by the City Engineer.
3. An encroachment permit and/or a permit to open streets 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. The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order R2-2009-0074 dated October 14, 2009. The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.
5. The large street trees located in the Foothill Expressway right-of-way shall be Canary Island Pines, Redwoods, or a mixture of both species.
6. The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
7. Improvements shall comply with Americans with Disabilities Act (ADA).
8. Any proposed sewer lateral connection shall be approved by the City Engineer.
9. One condominium unit: Unit 14 (two-bedroom), shall be offered for sale to a moderate income household for a 30-year period or for rent at a price that is affordable to a low income household for a 30-year period in accordance with the City's Affordable Housing Agreement.
10. One condominium unit: Unit 3 (one-bedroom), shall be offered for sale to a low income household for a 30-year period or for rent at a price that is affordable to a low income household for a 30-year period in accordance with the City's Affordable Housing Agreement.
11. In the event it is necessary to acquire offsite easements or street rights-of-way, the owner shall enter into an agreement with the City prior to final map approval agreeing to pay all condemnation costs, for dedication of all required easements or street right-of-way. This agreement shall be recorded and require the owner to deposit all condemnation costs with the

City within 21 days of Parcel Map approval. The owner shall agree to provide an initial cash deposit as determined by the City.

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

PRIOR TO BUILDING PERMIT SUBMITTAL

13. The applicant shall execute an Affordable Housing Agreement with the City to retain the two below market rate units as required by the City Attorney and the Community Development Director.
14. The applicant shall provide an address signage plan.
15. The applicant shall provide verification that the project is designed with a GreenPoint Rating of 50 points or more and identify the project's GreenPoint rater.
16. The applicant shall prepare a landscape and irrigation plan that includes the Foothill Expressway shoulder within the public right-of-way that fronts on the subject property. The plan shall meet the requirements of the State's Model Water Efficient Landscape Ordinance (AB 1881) and it shall be reviewed and approved by the Community Development Director.
17. The project plans shall provide for the following window and door STC ratings:
 - a. All second and third floor windows on the western elevation shall have a minimum STC rating of 30.
 - b. All second and third floor windows on the northern and southern elevations shall have a minimum STC rating of 28.
 - c. All second and third floor doors on the western elevation shall have a minimum STC rating of 28.

PRIOR TO FINAL MAP RECORDATION

18. The applicant shall dedicate public utility easements as required by the utility companies to serve the site.
19. The applicant shall pay a fee in lieu of parkland dedication in accordance with Chapter 13.24 of the Los Altos Municipal Code.
20. The applicant shall pay a fee in lieu of traffic impact in accordance with Chapter 3.48 of the Los Altos Municipal Code.
21. The applicant shall pay all applicable sanitary sewer connection fees.

22. The applicant shall include provisions in the Covenants, Conditions and Restrictions (CC&Rs) that restrict storage on the private patio and decks and outline rules for other objects stored on the private patio and decks with the goal of minimizing visual impacts to First Street and Foothill Expressway.

PRIOR TO ISSUANCE OF BUILDING PERMIT

23. 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.
24. The applicant shall submit the 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 SWMP shall be shown on the building plans.
25. The applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, elevations at property lines) for approval by City Engineer.
26. The applicant shall submit calculations showing that the City's existing six-inch sewer line will not exceed two-thirds full due to the project's sewer loads. Calculations shall include the six-inch main from the front of the property to the point where it connects to the eight-inch sewer line on San Antonio Road. 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 line due to peak flow, the applicant shall replace the six-inch sewer line with an eight-inch sewer line.
27. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, pedestrian protection, material storage, earth retention, and construction vehicle parking, shall be provided to the City Engineer for review and approval.
28. A truck routing and staging plan for the proposed excavation of the site shall be submitted for review and approval by the City Engineer. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
29. The applicant shall contact Mission Trails Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division.
30. Prior to the removal and resurfacing the entire width of the alley on the west side of the property line, the applicant must obtain written permission from the owner prior to the work in the easement.

PRIOR TO FINAL OCCUPANCY

31. The applicant shall provide verification that the project was built in compliance with the GreenPoint Rated approval.
32. All landscaping and irrigation shall be installed. The applicant shall obtain an encroachment permit from County Roads and Airports prior to installation of landscaping and irrigation in the Foothill Expressway shoulder.
33. The applicant shall provide an acoustical analysis that evaluates the interior noise levels in the residential units to ensure that the project is in compliance with the City's General Plan and Noise Ordinance.
34. The applicant shall remove the existing driveway approach and shall replace it with standard curb, gutter, and sidewalk.
35. The applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street as directed by the City Engineer.
36. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
37. 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.
38. The applicant shall install stop marking and/or a stop sign at the exit before the driveway crosses the public sidewalk. The stop marking and/or sign location shall be approved by the City Engineer.
39. The applicant shall submit a recorded maintenance agreement for the storm waster treatment methods installed in accordance with the Storm Water Management Plan (SWMP).
40. The applicant shall submit a certificate of completeness pursuant to the State's Model Water Efficient Landscape Ordinance (AB 1881).