

**ORDINANCE NO. 10-355**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS ALTOS AND THE DAVID AND LUCILE PACKARD FOUNDATION FOR THE DOWNTOWN HEADQUARTERS PROJECT**

**THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I. RECITALS**

A. Pursuant to the City of Los Altos' ("CITY") Resolution No. 2008-39 which sets forth the procedures and sets fees for the processing of a development agreement pursuant to California Government Code sections 65864 through 65869.5 ("State Law"), the David and Lucile Packard Foundation, a California non-profit corporation ("Developer"), has requested a development agreement to govern construction of its Downtown Headquarters Project, located at 343 Second Street, Los Altos, California (the "Project").

B. A development agreement (the "Development Agreement") between the City of Los Altos and the Developer has been presented to and reviewed by the City Council.

C. Pursuant to the California Environmental Quality Act ("CEQA"), the City determined that the Project was exempt pursuant to the CEQA Guidelines Section 15332 as an in-fill development project.

D. A public hearing on the proposed Development Agreement application was held before the Planning Commission on April 15, 2010, for which public notice was given as provided by law and at which all persons desiring to be heard were given an opportunity to be heard, and following the hearing, the Planning Commission recommended approval of the Project.

E. A public hearing on the proposed Development Agreement application was held before the City Council on May 11, 2010, for which public notice was given as provided by law, and at which all persons desiring to be heard were given an opportunity to be heard. The City Council has duly considered all testimony received, both oral and written.

F. On May 11, 2010, the City Council approved the Project and the Development Agreement planning application, subject to thirty (30) conditions of approval. Specifically Conditions 8, 10 and 12 require that a development agreement incorporating City Council's comments be: (1) negotiated between the City and Developer consistent with Resolution No. 2008-39; (2) reviewed and approved by the City Council at a public hearing via an ordinance and (3) recorded with the County Recorder.

G. A public hearing on the Development Agreement was held before the City Council on August 24, 2010, for which public notice was given as provided by law, and at which all persons desiring

to be heard were given an opportunity to be heard. The City Council has duly considered all testimony received, both oral and written.

**SECTION II. FINDINGS AND DETERMINATIONS**

Therefore, on the basis of the foregoing Recitals and the specific conclusions set forth below, the City Council finds and determines that:

1. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan.
2. The City has taken all steps required by State Law and by CEQA in order to approve the Development Agreement.

**SECTION III. APPROVAL**

The City Council hereby approves entering into the Development Agreement and authorizes the Mayor to execute the Development Agreement between the City of Los Altos and the David and Lucile Packard Foundation, a copy of which is attached hereto as Exhibit "A."

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days from and after its adoption, and on that same date, the Development Agreement shall take effect.

**SECTION V. RECORDATION**

Not later than ten (10) days after the City's execution and acknowledgment of the Development Agreement, the City Clerk shall submit the Development Agreement to the County Recorder for recordation.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on August 24, 2010 and was thereafter, at a regular meeting held on September 14, 2010 passed and adopted by the following vote:

AYES: SATTERLEE, CARPENTER, PACKARD, BECKER, CASAS  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



David C. Casas, MAYOR

Attest:

  
Susan Kitchens, CITY CLERK

Date: September 17, 2010