

RESOLUTION NO. 2016-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS FOR
DESIGN REVIEW, USE PERMIT AND SUBDIVISION APPLICATIONS
FOR A 21-UNIT, MULTIPLE-FAMILY PROJECT
AT 4880 EL CAMINO REAL**

WHEREAS, the City of Los Altos received a development application from LOLA, LLC for a multiple-family residential condominium building, which includes Design, Use Permit and Subdivision applications 16-D-01, 16-UP-01 and 16-SD-01, referred herein as the "Project"; and

WHEREAS, the applicant LOLA, LLC, offers one Moderate-Income and two Low-Income affordable housing units; and

WHEREAS, the applicant LOLA, LLC seeks a waiver under Government Code Section 65915(e) to allow a five-story building to have a height of 58 feet, where the Code allows a height of 45; and

WHEREAS, the applicant LOLA, LLC seeks further waivers under Government Code Section 65915(e) to allow a) rooftop structures 11 feet above the roof, where the Code allows such structures to be eight feet above the roof; and b) enclosed roof top structures at six percent of the roof area, where the Code limits such structures to four percent of the roof area; and

WHEREAS, under Government Code 65915 said Project is entitled to a 21.5 percent density bonus and may request one incentive and waivers as required to allow development of the Project; and

WHEREAS, at the City Council meeting of August 23, 2016 the applicant LOLA, LLC agreed to modify its previous requests for an incentive and waivers to include requests for waivers for a building height of 58 feet, rooftop structures 11 feet above the roof, and enclosed rooftop structures at six percent of the roof area; and

WHEREAS, said Project is exempt from environmental review as in-fill development in accordance with Section 15332 of the California Environmental Quality Act of 1970 as amended ("CEQA"); and

WHEREAS, the Design, Use Permit and Subdivision applications were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the City Council held duly noticed hearings on the Project on June 28, 2016 and on August 23, 2016 at which all public comment was duly considered; and

WHEREAS, the Planning and Transportation Commission held a duly noticed public hearing on the Project on May 19, 2016, and recommended approval of the Project; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision was made are located in the Office of the 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" and incorporated by this reference.

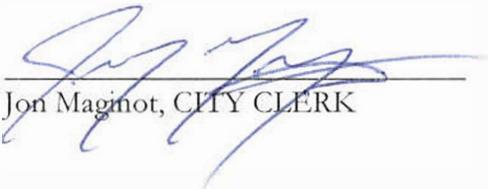
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 13th day of September, 2016 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Jeannie Bruins, MAYOR

Attest:



Jon Maginot, CITY CLERK

EXHIBIT A

FINDINGS

16-D-01, 16-UP-02 and 16-SD-01—4880 El Camino Real

1. With regard to environmental review, the City Council finds in accordance with Section 15332 of the California Environmental Quality Act Guidelines, 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, including incentives for the production of affordable housing;
 - b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; there is no record that the project site has value as habitat for endangered, rare or threatened species;
 - c. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the completed studies and staff analysis reflected in this report support this conclusion; and
 - d. The project has been reviewed and it is found that the site can be adequately served by all required utilities and public services.
2. With regard to commercial design review, the City Council makes the following findings in accordance with Section 14.78.040 of the Municipal Code:
 - A. The proposal meets the goals, policies and objectives of the General Plan with its level of intensity and residential density within the El Camino Real corridor, and ordinance design criteria adopted for the specific district such as the stepped building massing and the landscape buffer at the rear;
 - 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; the project has a mixture of scales relating to the larger street and vehicles and the smaller pedestrian orientation;
 - C. Building mass is articulated to relate to the human scale, both horizontally and vertically as evidenced in the design of the projecting bay windows, overhangs and balconies. Building elevations have variation and depth and avoid large blank wall surfaces. Residential projects incorporate elements that signal habitation, such as identifiable entrances, overhangs, bays and balconies;
 - D. Exterior materials and finishes such as the stained mahogany entry, natural limestone, cementitious horizontal siding, C-channel steel and architectural glass railings, convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, and structural elements;

- E. Landscaping such as the specimen palm trees, timber bamboo, hedges and groundcover is generous and inviting and landscape and hardscape features such as the limestone pavers, precast cement planters and benches 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 including three street trees and two specimen palm trees, either in the public right-of-way or within the project frontage;
 - F. Signage such as the laser cut building numbers is designed to complement the building architecture in terms of style, materials, colors and proportions;
 - G. Mechanical equipment is screened from public view by the building parapet and 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 by their location in the building garage and careful placement to the side of the building consistent with the building architecture in materials and detailing.
3. With regard to use permit, the City Council finds in accordance with Section 14.80.060 of the Municipal Code:
- a. That the proposed location of the multiple-family residential use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare in that the zoning conditionally permits it and the project provides housing at a variety of affordability levels;
 - b. That the proposed location of the multiple-family residential use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title in that the project provides for community growth along sound line; that the design is harmonious and convenient in relation to surrounding land uses; that the project does not create a significant traffic impact; that the project helps meet the City's housing goals including affordable housing; that the project protects and enhances property values; and that the project enhances the City's distinctive character with a high-quality building design in a commercial thoroughfare context;
 - c. That the proposed location of the multiple-family residential use, under the circumstances of the particular case and as conditioned, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
 - d. That the proposed multiple-family residential use complies with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02;

4. With regard to the subdivision, the City Council finds in accordance with Section 66474 of the Subdivision Map Act of the State of California:
 - a. That the proposed subdivision is consistent with the General Plan;
 - b. That the site is physically suitable for this type and density of development in that the project meets all zoning requirements except where development incentives have been granted;
 - 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; and no evidence of such has been presented;
 - d. That the design of the condominium subdivision is not likely to cause serious public health problems because conditions have been added to address noise, air quality and life safety concerns; and
 - e. That the design of the condominium subdivision will not conflict with public access easements as none have been found or identified on this site.

5. With regard to requested waivers, the City Council makes the following findings:

The requested waiver to allow a building height of 58 feet is required to accommodate an additional story so that the four bonus dwelling units may achieve a unit size equivalent to that which could be achieved by a conforming project, and so that all units may have reasonable ceiling heights of 10 feet. The requested waivers to allow the rooftop structures to exceed eight feet above the rooftop and to exceed the four percent area limit for rooftop structures are necessary to accommodate the elevator cab and the rooftop amenities incorporated into the project. The elevator cab is required to accommodate the ceiling heights in the dwelling units, and further enclosure of the rooftop structures is necessary to provide for and accommodate the rooftop amenities. Without the requested waivers, the City's development standards would "physically preclude" the development of the project with the density bonus units.

CONDITIONS

16-D-01, 16-UP-02 and 16-SD-01—4880 El Camino Real

GENERAL

1. Approved Plans

The project approval is based upon the plans received on August 12, 2016, except as modified by these conditions. Such plans shall provide: a) a roof height of 58 feet; b) the rooftop photovoltaic panels at the locations indicated; c) wiring for vehicle charging stations in the mechanical lift for 25 percent of the parking spaces; and d) smooth parking deck surfaces in the Klaus parking system.

2. Public Right-of-Way, General

All work within the public right-of-way shall be done in accordance with plans to be approved by the City Engineer.

3. Encroachment Permit

The applicant shall obtain an encroachment permit, permit to open streets and/or excavation permit prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. *Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

4. Public Utilities

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

5. ADA

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

6. Sewer Lateral

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

7. Upper Story Lighting

Any upper story lighting on the sides and rear of the building shall be shrouded or directed down to minimize glare.

8. Indemnity and Hold Harmless

The property owner agrees to indemnify and 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.

9. Plan Changes

The Planning and Transportation Commission may approve minor changes to the development plans. Substantive project changes require a formal amendment of the application with review by the Planning and Transportation Commission and City Council.

PRIOR TO FINAL MAP RECORDATION

10. CC&Rs

The applicant shall include provisions in the Covenants, Conditions and Restrictions (CC&Rs) that: a) 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; and b) require the continued use and regular maintenance of the Klaus Multiparking vehicle parking system and a power back up system for the parking system. Such restrictions shall be approved by and run in favor of the City of Los Altos.

11. Public Utility Dedication

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

12. Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees and map check fee plus deposit as required by the City of Los Altos Municipal Code.

PRIOR TO BUILDING PERMIT SUBMITTAL

13. Subdivision Map Recordation

The applicant shall record a final map. Plats and legal descriptions of the final map shall be submitted for review and approval by the City Land Surveyor, and the applicant shall provide a sufficient fee retainer to cover the cost of the final map application.

14. Public Improvements

The property owner or applicant shall design the project to install remove and replace with current City Standard sidewalk, vertical curb and gutter, and driveway approaches from property line to property along the frontage of El Camino Real. Such work shall restore the existing driveway approach to be ADA compliant and to the current City Standard vertical curb and gutter along the northerly corner of the property.

The applicant shall design the project to include no parking red curbs on either side of the driveway, and a loading zone to the west of the driveway as approved by the City Engineer. Such design shall include appropriate signage including but not limited to permitting vehicle parking in the loading zone during non-business hours of 6 PM to 8 AM on weekdays and anytime on weekends.

15. Street Trees

The street trees shall be installed along the project's El Camino Real frontage and include two trees in front of 4896 El Camino Real, as directed by the City Engineer.

16. Sidewalk Lights

The owner or applicant shall maintain and protect the existing light fixture in the El Camino Real sidewalk, as directed by the City Engineer.

17. Performance Bond

The applicant shall submit a cost estimate for all improvements in the public right-of-way and shall submit a 100 percent performance bond (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held until 6 months after acceptance of improvements) for the work in the public right-of-way.

18. Right of Way Construction

The applicant shall submit detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by the City.

19. Sewer Capacity

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the Director of Public Works.

20. Trash Enclosure and Management

The applicant shall contact Mission Trail Waste Systems and submit a solid waste, recyclables, organics, and a 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 approved trash staging location shall be maintained as required by the City Engineer.

The trash staging area shall only be allowed in the street adjacent to the curb to the east of the driveway on scheduled trash and recycling service days only. Any trash and recycling containers staged in the street shall not occur before 5:30 AM on the day of service and shall be returned to the on-site storage area in the parking garage by 5 PM of the same day as serviced or be subject to towing. Any trash and recycling containers staged in the street shall have appropriate reflective devices as approved by the City Engineer.

Should the City or State or Valley Transportation Authority require displacement of the on-street parking or use of the street shoulder for staging the trash and recycling containers, the property owner(s) shall create an on-site staging area as required by the City.

21. Stormwater Management Plan and NPDES Permit

The applicant shall submit a complete Stormwater Management Plan (SWMP), a hydrology and hydraulic report for review and approval showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). The proposed storm water media filter is not considered to be an LID treatment measure per the C.3 Technical Guidance Handbook of the Santa Clara Valley Urban Runoff Prevention Program. The implementation of Low Impact Development (“LID”) per the current MRP such as using evapotranspiration, infiltration, and/or rainwater harvesting and reuse shall be used. Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met. Please complete in detail the attached Provision C.3 Data Form.

22. Green Building Standards

The applicant shall provide verification that the project will comply with the City’s Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

23. Property Address

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

24. Landscape

The applicant shall provide a landscape and irrigation plan in conformance to the City’s Water Efficient Landscape Regulations in accordance with Chapter 12.46 of the Municipal Code.

PRIOR TO ISSUANCE OF DEMOLITION AND/OR BUILDING PERMIT

25. Construction Management Plan

The applicant shall submit a construction management plan for review and approval by the Community Development Director. The construction management plan shall address any

construction activities affecting the public right-of-way, including but not limited to: prohibiting dirt hauling during peak traffic hours, excavation, traffic control, truck routing, pedestrian protection, appropriately designed fencing to limit project impacts and maintain traffic visibility as much as practical, material storage, earth retention and construction and employee vehicle parking.

26. Sewer Lateral

The applicant shall abandon additional sewer laterals and cap at the main if they are not being used. A property line sewer cleanout shall be installed within 5 feet of the property line within private property.

27. Solid Waste Ordinance

The applicant shall comply with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance, which requires mandatory commercial and multi-family dwellings to provide for recycling, and organics collection programs as per Chapter 6.12 of the Municipal Code.

28. Air Quality Mitigation

The applicant shall implement and incorporate the air quality mitigations into the plans as required by staff in accordance with the report prepared by Illingsworth & Rodin, Inc., dated March 18, 2016.

29. Noise Mitigation

The applicant shall implement and incorporate the noise mitigation measures into the plans as required by staff in accordance with the report by Wilson Ihrig, dated March 2, 2016 and revised on April 20, 2016.

30. Tree Protection

The applicant shall implement and incorporate the tree protection measures into the plans and on-site as required by staff in accordance with the report by The Tree Specialist, dated April 21, 2106.

31. Affordable Housing Agreement

The applicant shall offer for a minimum 30-year period that shall reset for a subsequent 30-year period if transferred within the preceding 30-year period, one, three-bedroom unit at the moderate-income level, and two, two-bedroom units at the low-income level, in accordance with the City's Affordable Housing Agreement, in a recorded document in a form approved by the City Attorney.

PRIOR TO FINAL INSPECTION

32. Maintenance Bond

The applicant shall submit a one-year, 10-percent maintenance bond upon acceptance of improvements in the public right-of-way.

33. Stormwater Facility 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, the applicant shall record the agreement.

34. Stormwater Catch Basin

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 THE BAY” logo as required by the City Engineer.

35. 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.

36. Landscaping Installation

The applicant shall install all on- and off-site landscaping and irrigation, as approved by the Community Development Director and the City Engineer.

37. Signage and Lighting Installation

The applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

38. Acoustical Report

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

39. Landscape Certification

The applicant shall provide a Certificate of Completion conforming to the City’s Water Efficient Landscape Regulations.

40. Condominium Map

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

41. Public Improvements and Street Damage

The applicant shall install all public improvements required herein, and shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of El Camino Real if determined to be damaged during construction, as directed by the City Engineer or his designee.

42. Stormwater Management Plan Inspection

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, the applicant shall record the agreement.

43. Driveway Visibility and Loading Zone

The applicant shall provide no parking areas on either side of the driveway and a timed loading zone from 8 AM to 6 PM to the west of the driveway as approved by the City Engineer.