



AMENDED 01.20.2021 15:37

CITY COUNCIL MEETING

TUESDAY, JANUARY 26, 2021 – 7:00 P.M.

Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference only.

Members of the Public may join and participate in the Council meeting at <https://webinar.ringcentral.com/j/1496892606>

TO COMMENT DURING THE MEETING members of the public will need to join the meeting using the above link and have a working microphone on their device. To request to speak please use the “Raise hand” feature located at the bottom of the screen. Public testimony will be taken at the direction of the Mayor and members of the public may only comment during times allotted for public comments.

TO LISTEN to the City Council Meeting, members of the public may call 1-650-242-4929 (Meeting ID: *149 689 2606*). Please note that members of the public who call in using the telephone number will **NOT** be able to provide public comments.

TO SUBMIT WRITTEN COMMENTS, prior to the meeting, on matters listed on the agenda email PublicComment@losaltosca.gov with the subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE.

Correspondence must be received by 2:00 p.m. on the day of the meeting to ensure it can be distributed prior to the meeting. Emails received prior to the meeting will be included in the public record. [Please follow this link for more information on submitting written comments.](#)

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

SPECIAL ITEMS

- Recognition of Santa Clara Valley Science and Engineering Fair Association’s 2020 Synopsys Championship Participants and Award Winners from the City of Los Altos

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as “the Brown Act”) items must first be noticed on the agenda before any discussion or action.

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. Council Minutes: Approve the Minutes of the January 12, 2021 Regular Meeting (A. Chelemengos)
2. Final Map Approval: Authorize the Interim City Manager to execute the Subdivision Improvement Agreement and approve Tract Map #10547 of 389 First Street (H. Musaeferdic)

PUBLIC HEARINGS

3. Resolution No. 2021-04: Story Pole Policy Exception Request for 4350 El Camino Real Development: Adopt Resolution No. 2021-04 to grant or deny an exception from the City's Story Pole Policy to the proposed development at 4350 El Camino Real (S. Gallegos)

DISCUSSION ITEMS

4. Emergency Measures for Addressing COVID-19: Receive an update from the Acting City Manager and provide direction on additional potential measures to address COVID-19 (J. Maginot)
5. Resolution No. 2021-05: North County Library Authority Joint Powers Agreement (JPA) Amendment: Adopt Resolution No. 2021-05 amending the North County Library Authority Joint Powers Agreement (J. Maginot)

INFORMATIONAL ITEMS ONLY

- Police Department Memo – Police Radio Encryption
- Community Center Construction Monthly Update – Month of December
- Tentative Council Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.

If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you



City of Los Altos

CERTIFICATE OF RECOGNITION

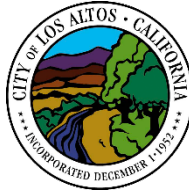
The City Council of the City of Los Altos hereby presents
this certificate to

Yash Golwala

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Kallie Wang

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Elie Meir Bodner

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Benjamin Allen Cha

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Arnav Swaroop

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Aadit Golwala

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

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The City Council of the City of Los Altos hereby presents
this certificate to

Ben Freda-Eskenazi

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Emma Biswas

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Sidharth Ganapathi Dharmasanam

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Nesyah Sarah Galatin

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

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City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Vivek Bharati

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

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City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Deven C Shah

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

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City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Olivia Anne Colace

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Russel James Michael Arbore

In recognition of the 2020 STEM Winners and
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Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Audrey Xing-Yun Chang

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Anushka Sanyal

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

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The City Council of the City of Los Altos hereby presents
this certificate to

Julia Biswas

In recognition of the 2020 STEM Winners and
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Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

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The City Council of the City of Los Altos hereby presents
this certificate to

Sophie Meiyang Wang

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

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City of Los Altos

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The City Council of the City of Los Altos hereby presents
this certificate to

Josh Sanyal

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
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Dated: January 26, 2021

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City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Arthi Vaidyanathan

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Sreoshi Sarkar

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Michaela Ho-Young Yip

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Alexander Guh-Siesel

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Luke Almazan Sage

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



City of Los Altos

CERTIFICATE OF RECOGNITION

The City Council of the City of Los Altos hereby presents
this certificate to

Carissa Wu

In recognition of the 2020 STEM Winners and
Participants from the City of Los Altos in the
Santa Clara County 2020 Synopsys Championship

Dated: January 26, 2021

Neysa Fligor, MAYOR



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
7:00 P.M., TUESDAY, JANUARY 12, 2012**

HELD VIA VIDEO/TELECONFERENCE

MEETING CALLED TO ORDER

At 7:03 p.m., Mayor Fligor called the meeting to order.

ESTABLISH QUORUM

PRESENT: Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

Annabel Simon led the Council in the Pledge of Allegiance.

REPORT ON CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al. Sixth District Court of Appeal Case No HO48270, County of Santa Clara Case No. 19CV350422*
2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *40 Main LLC v City of Los Altos et al. Sixth District Court of Appeal, Case Number H048270 County of Santa Clara Case No. 19CV349845*
3. Public Employment: City Manager
Pursuant to Government Code Section 54957

Mayor Fligor reported that the City Council met in closed session prior to the meeting and unanimously voted to appoint Vice Mayor Enander and Council Member Meadows to an ad hoc committee to explore development options relative to 40 Main Street. In addition, she stated that the proposed agreement for Interim City Manager services had now been posted and was available to the public on the City's website.

SPECIAL ITEMS

- Emergency Preparedness Update

Ann Hepenstal, Emergency Preparedness Coordinator, provided a presentation and answered questions from the Council.

CHANGES TO THE ORDER OF THE AGENDA

Council Member Lee Eng and Vice Mayor Enander removed from the Consent Calendar Item #4
Resolution No. 2021-02 Cut the Commute

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public commented: Ruth Darlene, Harry, Ishaan, Renee Rashid, Salim, and Moira Huang.

CONSENT CALENDAR

1. Council Minutes: Approve the (corrected) Minutes of the December 15, 2020 Regular Meeting.
2. Donation from Rotary Club of Los Altos: Accept the in-kind donation of a new electrical service in Lincoln Park and thank the Rotary Club of Los Altos for the donation.
3. Resolution No. 2021-01 Side Letter Agreement between City and Los Altos Municipal Employee Association: Adopt Resolution 2021-01 and the terms outlined in the Side Letter Agreement between City of Los Altos & LAMEA, which includes a six-month extension of their MOU set to expire on December 31, 2020.

Vice Mayor Enander noted the correction of typos in the minutes and moved that the City Council approve Consent Calendar Items 1, as corrected, 2, and 3. The motion was seconded by Council Member Meadows and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander and Mayor Fligor.
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS -None

DISCUSSION ITEMS

5. Emergency Measures for Addressing COVID-19: Receive an update from the Acting City Manager and provide direction on additional potential measures to address COVID-19.

Acting City Manager Maginot provided a presentation and answered questions from the Council.

Council Member Meadows provided additional information about the County's COVID-19 vaccination process.

Resident Tom Gschneidner commented.

No action was taken.

6. Halsey House Feasibility Study CIP CF 01004: Grant Acceptance and Budget Appropriation: Accept State Certified Local Government grant in the amount of \$34,100 and its appropriation to the Halsey House Feasibility Study CIP CF – 01004; authorize appropriation of \$16,353 of Park-in-Lieu funds to the Halsey House Feasibility Study CIP CF – 01004 for the City’s matching contribution amount; and authorize appropriation of \$25,000 of Park-in-Lieu funds to the Halsey House Feasibility Study CIP CF – 01004 and a contract amendment with the Architectural Resource Group in the not to exceed amount of \$25,000. (D. Brees)

Dave Brees, Special Projects Manager, provided a report and answered questions from the Council. The following individuals provided comments: Jon Baer, Roberta Phillips, Freddie Wheeler and Marie Backs.

Acting City Manager Maginot also provided background information on the matter.

Following discussion, Vice Mayor Enander moved that the Council accept the State Certified Local Government grant in the amount of \$34,100 and its appropriation to the Halsey House Feasibility Study CIP CF – 01004 and appropriate \$16,353 of Park-in-Lieu funds to the Halsey House Feasibility Study CIP CF – 01004 for the City’s matching contribution amount. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote.

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander and Mayor Fligor.
NOES: None
ABSENT: None
ABSTAIN: None

Additional discussion ensued.

Mayor Fligor moved to direct staff to share the historical study conducted by ARG and any other past studies relative to Halsey House that has not yet been shared with Parks and Recreation Commission, Historical Commission and Financial Commission and work with the Commissions to formulate recommendations for Council on the direction they would like the Council to proceed relative to Halsey House including such options as renovation, partial renovation, demolition, partial demolition/restoration and bring back all recommendations, if there is not a consensus of the recommendations from the Commissions, to the Council for consideration by March 2021. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander and Mayor Fligor.
NOES: None
ABSENT: None
ABSTAIN: None

At 9:35 p.m., Mayor Fligor called for a brief recess. The meeting was reconvened at 9:40 p.m.

7. Resolution 2021-03 Appointing Interim City Manager: Adopt Resolution 2021-03 appointing Brad Kilger as Interim City Manager based on the terms described in the “Retired Annuitant Employment Agreement” which includes compensation not to exceed \$158,700 and appropriating \$158,700 from the General Fund.

Mayor Fligor provided information on the matter.

Teresa, a member of the public, provided comments.

Mayor Fligor moved to adopt Resolution 2021-03 appointing Brad Kilger as Interim City Manager based on the terms described in the “Retired Annuitant Employment Agreement” which includes compensation not to exceed \$158,700 and appropriating \$158,700 from the General Fund.

City Attorney Houston noted for the record that the agreement did not provide for City employee benefits to the Interim City Manager.

The motion was seconded by Vice Mayor Enander and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander and Mayor Fligor.
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Fligor welcomed Mr. Kilger. Mr. Kilger provided comments.

4. Resolution No. 2021-02 Cut the Commute: Adopt Cut the Commute Resolution Supporting The Goal Of Reducing Vehicular Commute And Increasing Remote Work In The Bay Area

Acting City Manager Maginot provided a report and answered questions from the Council. The following individuals provided comments Roberta Phillips and Teresa.

Following discussion, Mayor Fligor moved to adopt Resolution 2021-02 with the following amendments: “and without sacrificing quality of service to Los Altos residents.” be added to the end of the first paragraph beginning with “Be It Further Resolved”; that “that are equitable and applied fairly geographically” be inserted following the word measures in the fourth paragraph beginning with “Be It Further Resolved” and that a typographical error in the ninth paragraph be corrected. The motion was seconded by Council Member Weinberg and the motion passed 3-2 with the following roll call vote.

AYES: Council Members Meadows, Weinberg, and Mayor Fligor.

NOES: Council Member Lee Eng and Vice Mayor Enander

ABSENT: None

ABSTAIN: None

8. Appointment of Council Alternate Representatives: Accept Mayor's appointments of alternates to Regional Boards and Commissions

Mayor Fligor provided information on this matter and stated that in addition to the assignments covered in the staff report, she and Council Member Meadows would be trading two assignments so that Council Member Meadows would now serve as the Council Liaison to the Library Commission and she (Mayor Fligor) would serve as the Council Liaison to the Historical Commission.

Following discussion, Vice Mayor Enander moved to approve the following appointments:

ABAG Alternate: Vice Mayor Enander, County Library JPA Alternate: Mayor Fligor, Grand Blvd Initiative Alternate: Council Member Weinberg, Library Commission Council Liaison: Council Member Meadows, Historical Commission Liaison: Mayor Fligor, VTA Board Alternates for the Group 2: Council Member Lee Eng and Council Member Weinberg. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander and Mayor Fligor.

NOES: None

ABSENT: None

ABSTAIN: None

INFORMATIONAL ITEMS ONLY

- Tentative Council Calendar – No action

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Member Lee Eng requested that an item be placed on a future agenda that would provide the Council with information on the services provided to the City by the League of California Cities and the costs of those services to the City. She expressed interest in seeing the invoice. In addition, Council Member Lee Eng requested that a presentation be made to the Council by the Embarcadero Institute relative to housing matters.

Council Member Weinberg suggested that if an interest group such as the Embarcadero Institute, were to present, then another interest group should also present to give a counter perspective. Vice Mayor Enander commented that it may not be necessary because HCD has already accepted the Embarcadero Institute's figures as correct.

Mayor Fligor noted that a meeting is to be held by the League that will cover most of the information Council Member Lee Eng is requesting and that she may want to attend.

Council Members Meadows and Vice Mayor Enander reported on attendance at various meetings as assigned.

There was brief discussion and consensus to invite the Planning Commission to the upcoming January 26 study session on housing and make the meeting a joint meeting.

Acting City Manager Maginot reported on various administrative matters.

ADJOURNMENT

At 10:52 p.m., Mayor Fligor adjourned the meeting.

Neysa Fligor, MAYOR

Andrea M. Chelemengos MMC, CITY CLERK

DRAFT



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: January 26, 2020

Subject: Authorize the Interim City Manager to execute the Subdivision Improvement Agreement and move to approve the Final Map for Tract Map #10547 389 First Street

Prepared by: Harun Musaefendic, Assistant Engineer

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Jon Maginot, Acting City Manager

Attachment(s):

1. Tract Map #10547
2. Subdivision agreement

Initiated by:

1st Place Village LLC

Previous Council Consideration:

July 9, 2019

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

None

Summary:

- Tentative map was approved on July 9, 2019
- Council to approve Tract Map #10547

Staff Recommendation:

Authorize the Interim City Manager to execute the Subdivision Improvement Agreement and move to approve the Tract Map #10547 of 389 First Street

Reviewed By:

Acting City Manager

JM

City Attorney

JH

Finance Director

SE



Subject: Approve the Final Map for Tract Map #10547, 389 First Street

Purpose

Authorize the Interim City Manager to execute the Subdivision Improvement Agreement and move to approve Tract Map #10547

Background

On July 9, 2019, Council approved the multi-family design review application and the associated Tentative Map for the new development at 389 First Street. The recommended action will finalize the tentative final map for the project.

A Tentative Map (AKA, Tentative Parcel Map or Tentative Tract Map) is a map showing the layout of a proposed Subdivision, including the general description of the associated infrastructure. The approved Tentative Map also sets conditions such as access, frontage, grading improvements, stormwater protection, and so forth which must be met before the final Parcel Map or Tract Map can be filed. An approved Tentative Map does not divide the property, rather it sets the conditions under which the division can occur. To actually divide the property one must file a Parcel Map or Tract Map.

The attached Tract Map is the instrument that actually divides the property. It must conform to and incorporate all of the Tentative Map conditions and must also comply with the standards for Parcel Maps or Tract Maps as set forth in the State Subdivision Map Act. It must also include plans describing the various improvements to the project site and to all other affected properties, including public roadways and public and private utilities.

Discussion/Analysis

Tract Map #10547 for the development at 389 First Street conforms to the Tentative Map approved on July 9, 2019. The map and survey have been checked and found satisfactory. All conditions of approval have been complied with and appropriate controls to ensure compliance have been established. All required fees and deposits have been received. The Tract Map is available in the Engineering Services Department office for inspection.

Options

- 1) Authorize the Interim City Manager to execute the subdivision improvement agreement and move to approve Tract Map #10547

Advantages: Developer complies with the conditions of approval and can complete the building permit application



Subject: Approve the Final Map for Tract Map #10547, 389 First Street

Disadvantages: None

- 2) Do not authorize the Interim City Manager to execute the subdivision improvement agreement and move to not approve Tract Map #10547

Advantages: None

Disadvantages: Developer will not be able to continue construction. Council must provide reasons for disapproval.

Recommendation

The staff recommends Option 1.

TRACT NO. 10547

**FOR CONDOMINIUM PURPOSES
10 RESIDENTIAL UNITS AND
2 COMMERCIAL UNITS
389 FIRST STREET
CONSISTING OF 2 SHEETS**

BEING PARCEL 1 AS SHOWN ON THAT PARCEL MAP, ENTITLED "LANDS OF FONTANA", FILED FOR RECORD ON FEBRUARY 14, 1980 IN BOOK 458 OF MAPS AT PAGES 51 AND 52, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN
CITY OF LOS ALTOS, SANTA CLARA COUNTY, CALIFORNIA

DATE: OCTOBER 2020



OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP; AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY; AND WE HEREBY CONSENT TO THE MAKING AND RECORDING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

PUBLIC STREET EASEMENT AS SHOWN ON SHEET TWO AND DESIGNATED AS A S.E. THEREON.

PUBLIC ACCESS EASEMENT AS SHOWN ON SHEET TWO AND DESIGNATED AS P.A.E. THEREON.

AS OWNER:
1ST PLACE VILLAGE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: [Signature]
NAME: STEVE R. JOHNSON
ITS: MANAGING MEMBER

BY: [Signature]
NAME: JOHN A. THOMPSON
ITS: MANAGING MEMBER

OWNER ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF California)
COUNTY OF Santa Clara)

ON November 12, 2020 BEFORE ME, Antonio Barshini, A NOTARY PUBLIC,

PERSONALLY APPEARED Steve R. Johnson & John A. Thompson WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY'S SIGNATURE: [Signature]
PRINTED NAME: Antonio Barshini
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Santa Clara
COMMISSION No.: 2252446
COMMISSION EXPIRATION DATE: August 4, 2022



OWNER ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF _____)
COUNTY OF _____)

ON _____ 20____, BEFORE ME, _____, A NOTARY PUBLIC,

PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY'S SIGNATURE: _____
PRINTED NAME: _____
COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION No.: _____
COMMISSION EXPIRATION DATE: _____

SOILS/GEOTECHNICAL REPORT NOTE

A GEOTECHNICAL REPORT ENTITLED "PROPOSED MIXED-USE BUILDING 389 1ST STREET LOS ALTOS, CALIFORNIA" AND DATED NOVEMBER 30, 2018 WAS PREPARED BY SILICON VALLEY SOIL ENGINEERING. PROJECT NO. SV1848 AND SIGNED VIEN VO, P.E. NO. 32296.

TRUSTEE'S STATEMENT

TECHNOLOGY CREDIT UNION, AS TRUSTEE UNDER DEED OF TRUST, RECORDED OCTOBER 18, 2019 AS DOCUMENT NO. 24308032, OFFICIAL RECORDS OF SANTA CLARA COUNTY, ENCUMBERING THE LAND HEREIN SHOWN, HEREBY CONSENT ON BEHALF OF THE BENEFICIARY TO THE MAKING AND FILING OF THIS MAP.

BY: [Signature]
NAME: Hanna Bui
TITLE: VP/ Commercial NO Manager

TRUSTEE ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF California)
COUNTY OF Santa Clara)

ON 12/10 2020 BEFORE ME, Ivy Truong-Nguyen, A NOTARY PUBLIC,

PERSONALLY APPEARED Hanna Bui WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY'S SIGNATURE: [Signature]
PRINTED NAME: Ivy Truong-Nguyen
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Santa Clara
COMMISSION No.: 2204369
COMMISSION EXPIRATION DATE: 7/9/2021



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 1ST PLACE VILLAGE, LLC, ON AUGUST 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP, THAT THE SURVEY IS TRUE AND CORRECT AS SHOWN; AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE DECEMBER 31, 2022; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: 10-21-2020

[Signature]
DAVIS THRESH
P.L.S. NO. 6868



CITY LAND SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: 12-11-20
[Signature]
SCOTT A. SHORTLIDGE, LS No. 6441
CITY OF LOS ALTOS, CALIFORNIA



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT 10547; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATE: _____
JAMES SANDOVAL RCE No. 55160
CITY OF LOS ALTOS, CALIFORNIA



CITY CLERK'S STATEMENT

I HEREBY STATE THAT THIS MAP, DESIGNATED AS TRACT NO. 10547, CONSISTING OF TWO (2) SHEETS WAS APPROVED BY THE CITY COUNCIL OF LOS ALTOS, STATE OF CALIFORNIA, AT A DULY AUTHORIZED MEETING OF SAID CITY COUNCIL HELD ON THE _____ DAY OF _____, 2020 AND ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE: _____
JON MAGINOT, CITY CLERK
CITY OF LOS ALTOS, CALIFORNIA

RECORDER'S STATEMENT

FILE NO. _____ FEE \$ _____ PAID _____
FILED IN BOOK _____ OF MAPS, AT PAGES _____
SANTA CLARA COUNTY RECORDS, THIS _____ DAY OF _____, 20____,
AT _____, M., AT THE REQUEST OF ORANGE COUNTY TITLE COMPANY OF NORTHERN CALIFORNIA.

REGINA ALCOMENDRAS, COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

TRACT NO. 10547

**FOR CONDOMINIUM PURPOSES
10 RESIDENTIAL UNITS AND
2 COMMERCIAL UNITS
389 FIRST STREET
CONSISTING OF 2 SHEETS**

BEING PARCEL 1 AS SHOWN ON THAT PARCEL MAP, ENTITLED "LANDS OF FONTANA", FILED FOR RECORD ON FEBRUARY 14, 1980 IN BOOK 458 OF MAPS AT PAGES 51 AND 52, RECORDS OF SANTA CLARA COUNTY.

LYING ENTIRELY WITHIN
CITY OF LOS ALTOS, SANTA CLARA COUNTY, CALIFORNIA

SCALE: 1" = 40'

DATE: OCTOBER 2020



ENGINEERS-SURVEYORS-PLANNERS
1730 N. FIRST STREET, SUITE 600
SAN JOSE, CALIFORNIA 95112

BASIS OF BEARINGS

THE BEARING NORTH 32°03'00" WEST BETWEEN FOUND IRON PIPE MONUMENTS, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD ON FEBRUARY 14, 1980, IN BOOK 458 OF MAPS AT PAGES 51 AND 52, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES

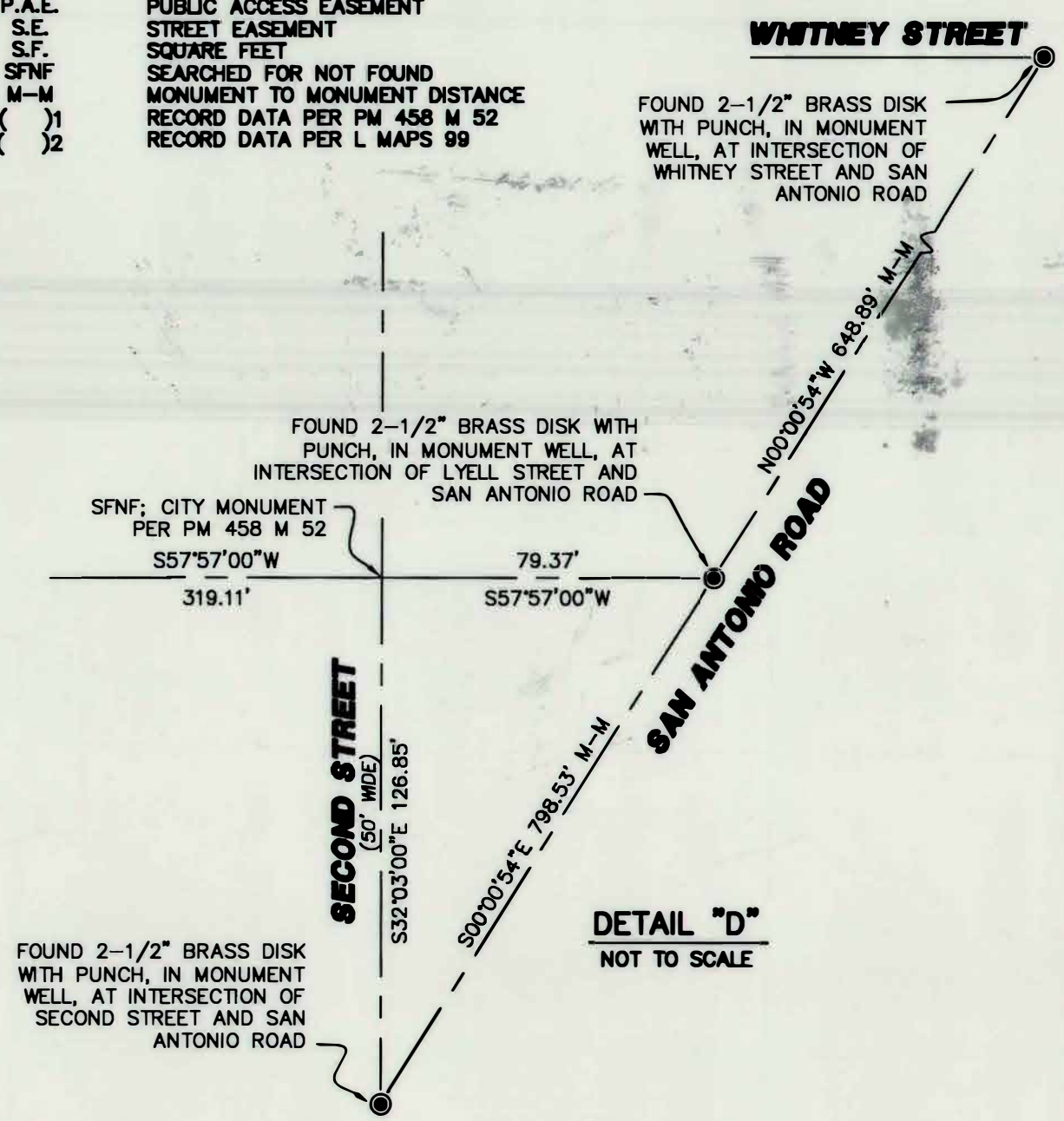
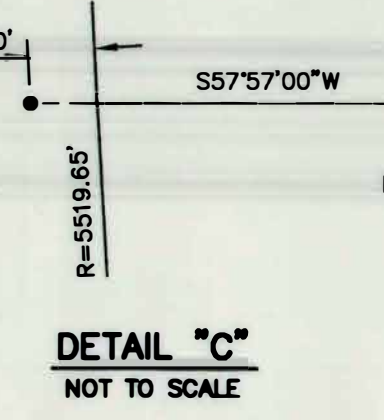
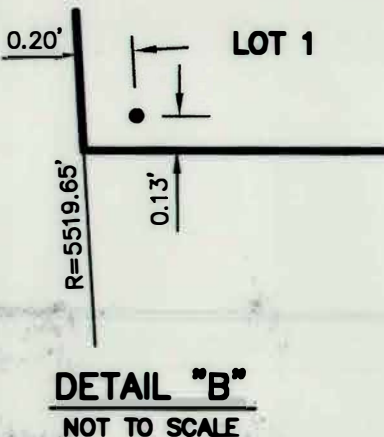
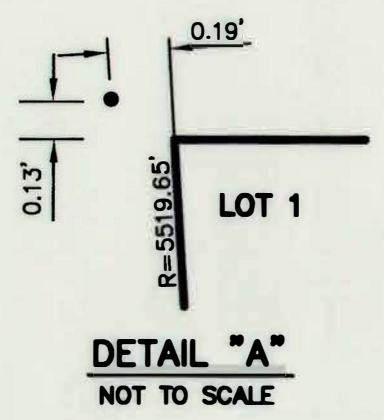
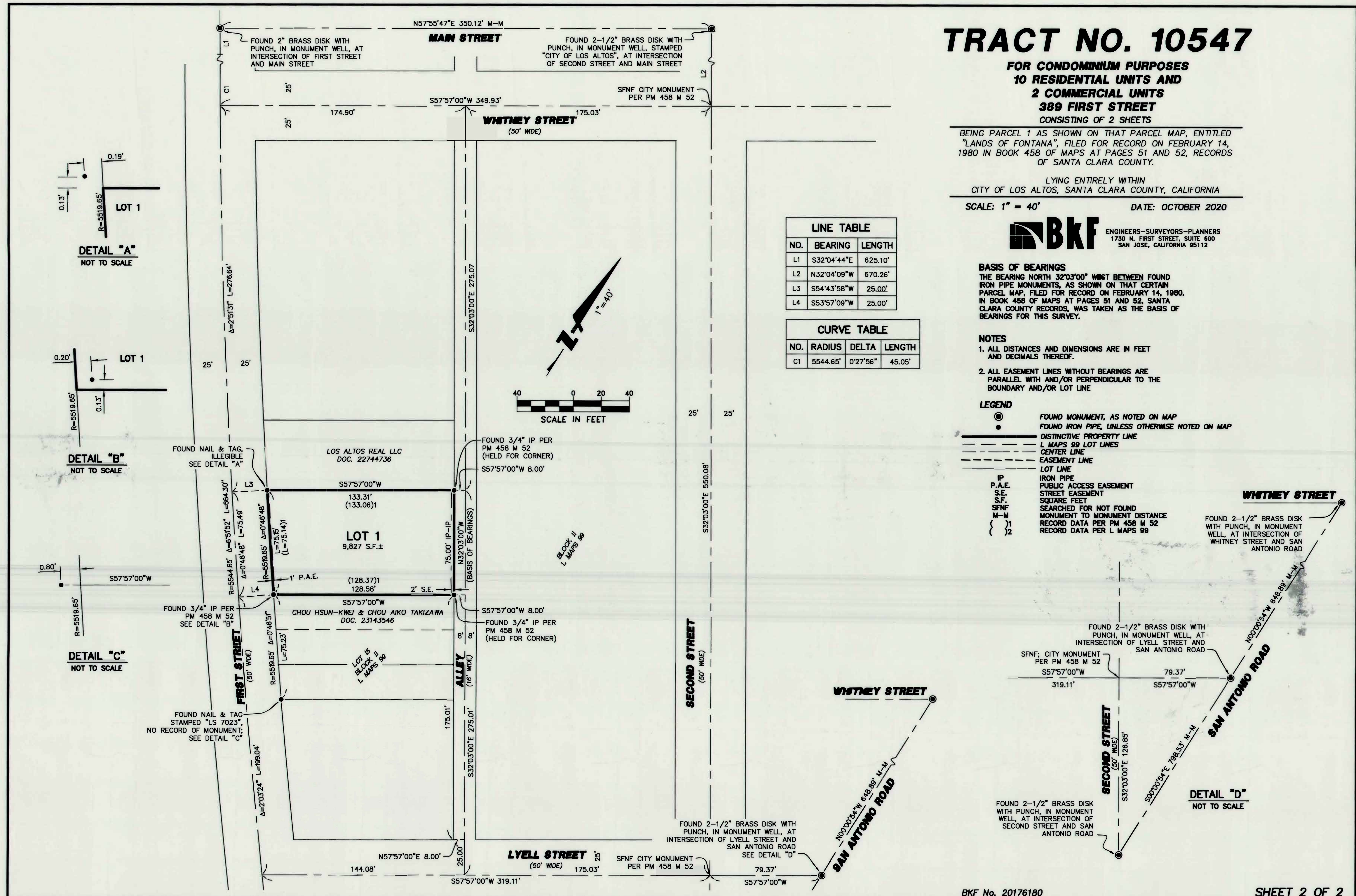
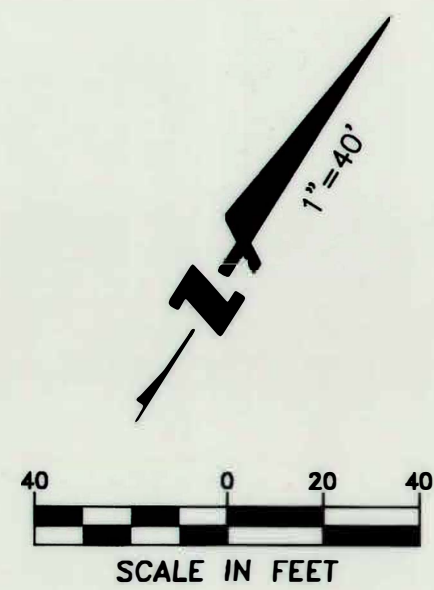
1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL EASEMENT LINES WITHOUT BEARINGS ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE BOUNDARY AND/OR LOT LINE

LEGEND

- FOUND MONUMENT, AS NOTED ON MAP
- FOUND IRON PIPE, UNLESS OTHERWISE NOTED ON MAP
- DISTINCTIVE PROPERTY LINE
- - - L MAPS 99 LOT LINES
- - - CENTER LINE
- - - EASEMENT LINE
- - - LOT LINE
- IP IRON PIPE
- P.A.E. PUBLIC ACCESS EASEMENT
- S.E. STREET EASEMENT
- S.F. SQUARE FEET
- SFNF SEARCHED FOR NOT FOUND
- M-M MONUMENT TO MONUMENT DISTANCE
- ()1 RECORD DATA PER PM 458 M 52
- ()2 RECORD DATA PER L MAPS 99

LINE TABLE		
NO.	BEARING	LENGTH
L1	S32°04'44"E	625.10'
L2	N32°04'09"W	670.26'
L3	S54°43'58"W	25.00'
L4	S53°57'09"W	25.00'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	5544.65'	0°27'56"	45.05'



RECORDING REQUESTED BY:

City of Los Altos

WHEN RECORDED, MAIL TO:

City Clerk, City of Los Altos

1 North San Antonio Road

Los Altos, CA 94022

RECORD WITHOUT FEE UNDER
§§ 27383 & 27388.1 GOVERNMENT CODE

Improvement Agreement No. 2020-xx
PROJECT TITLE – Tract 10547
APN: 167-41-066
1st Place Village, LLC

**IMPROVEMENT AGREEMENT
389 First Street**

This Improvement Agreement (this “Agreement”) is made and entered into by and between the CITY OF Los Altos, a municipal corporation (hereinafter "City"), and 1st Place Village LLC (hereinafter "Developer"). City and Developer may be collectively referred to herein as the “parties.”

RECITALS

- A. In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Los Altos Municipal Code, Title 13), and the Street Ordinance (Los Altos Municipal Code, Title 9), the Developer has submitted to the City a Final Map (hereinafter “Final Map”) for the project known as 389 First Street (hereinafter “Project”).
- B. The Project is geographically located within the boundaries of the Tentative Subdivision Map known as 389 First Street Tentative Map (hereinafter “Tentative Map”). The Tentative Map is on file with the City Engineer, and is incorporated herein by reference. The area within the boundaries of the Tentative Map is described in **Exhibit A** hereto (the “Property”).
- C. The City’s approval of the Tentative Map was subject to specified conditions of approval (hereinafter “Conditions”). The Conditions are attached hereto as **Exhibit B** and incorporated herein by reference.
- D. As required by the Conditions of approval approved by City council, , Developer shall construct public improvements in connection with the Project including along First Street, including but not limited to the following: installation of approximately 420 square feet of concrete sidewalk, installation of approximately 75 lineal feet of concrete vertical curb and gutter, installation of approximately 1,200 square feet of micro-surfacing treatment in the alley, installation of approximately 150 square feet of AC deep lift (12”), installation of approximately 15 lineal feet of concrete channel with open grate, installation of one street light, installation of street signs, installation of striping and curb marking, and installation of all appurtenances associated with above listed improvements (collectively, the “Work”).

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work described in the Plans and Specifications and the Conditions (hereinafter “Work”), to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Developer’s sole cost and expense. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer.
2. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer’s expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement. *WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, DEVELOPER HEREBY AGREES TO BE BOUND BY THE LABOR CODE PROVISIONS ATTACHED HERETO AT EXHIBIT C.*
3. **DEVELOPER’S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street

“Authorized Representative”) on site with authority to act on behalf of the Developer. The Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and Section 13.20.210 the Los Altos Municipal Code, and as set forth below:
 - 4(a). **Faithful Performance** security in the amount of \$35,034.00 (which amount is equal to the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
 - 4(b). **Labor and Material** security in the amount of \$17,517.00 (which amount is equal to fifty (50) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
 - 4(c). **Warranty** security in the amount of \$3,503.50 (which amount is equal to ten (10) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
5. **BUSINESS TAX.** The Developer shall apply for and pay the business license tax for a business license, in accordance with Los Altos Municipal Code Chapter 4.04.
6. **INSURANCE.** Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. **Exhibit D** of this Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. The general liability and automobile policies required under **Exhibit D** shall contain, or be endorsed to contain, provision for the City, its officers, officials, employees, agents and volunteers, to be covered as additional insureds as respects alleged liability arising out of activities performed by or on behalf of the Developer under this Agreement. Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any services, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.
7. **REPORTING DAMAGES.** If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Risk Manager's office by telephone at, and Developer shall promptly submit to the City's Risk Manager and the City Manager or designee, a written report (in a form acceptable to the City) with

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street

the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.

8. INDEMNIFICATION. Developer shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City and its elected officials, officers, agents and employees from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorneys’ fees) resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the gross negligence or willful misconduct of the City).

9. TIME OF PERFORMANCE. Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

9(a). Commencement of Work. No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.

9(b). Schedule of Work. Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer’s prosecution of the Work.

9(c). Completion of Work. The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City’s execution of this Agreement.

10. INSPECTION BY THE CITY. In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation. Developer shall reimburse the City for the costs of the City Engineer’s inspections of the Work, as required by Los Altos Municipal Code Section 13.20.190.

11. DEFAULT. If either party (“demanding party”) has a good faith belief that the other party (“defaulting party”) is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand the default to be cured within ten days of the notice. If: (a) the defaulting party fails to cure the default within ten (10) days of the notice, or, (b) if more than ten (10) days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within ten (10) days of the notice, then (c) the demanding party may terminate this Agreement upon written notice to the defaulting party.

11(a). The Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11(a)(1). The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11(a)(2). The Developer abandons the Project site.

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street

11(a)(3). The Developer fails to perform one or more requirements of this Agreement.

11(a)(4). The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11(a)(5). The Developer violates any legal requirement related to the Work.

11(b). In the event that the Developer fails to cure the default, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11(b)(1). Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

11(b)(2). Demand the Developer to complete performance of the Work.

11(b)(3). Demand the Developer's surety (if any) to complete performance of the Work.

- 12. ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. Neither the final certificate of payment, nor any provision in this Agreement, nor partial or entire use or occupancy of the improvements by the City shall constitute an acceptance of the Work not done in accordance with this Agreement or relieve Developer of liability pursuant to Section 13, below. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, the City Engineer has accepted the Work as complete, and the City Council has authorized the release of the security for faithful performance as described in Government Code Section 66499.7.
- 13. WARRANTY PERIOD.** The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.
- 14. RELATIONSHIP BETWEEN THE PARTIES.** Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City's agent, and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Developer.
- 15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer's conflicting interest may be terminated by the City.
- 16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, ancestry, ethnicity, religious creed, national origin, physical disability, mental disability, medical condition, marital or family status, sexual orientation, gender or gender identification, age (over 40), veteran status, or sex.

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street

17. **NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt (or refusal) by a party, or (b) actual receipt (or refusal) at the address designated below, or (c) three (3) working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. Either party may modify their respective contact information identified in this section by providing notice to the other party.

TO: City

Attn: Andrea Chelemengos
____ City of Los Altos
____ 1 N. San Antonio Road
____ Los Altos, CA 94022

To: Developer

Attn: Steve R. Johnson
____ 1st Place Village, LLC
____ 25981 Vinedo Ln.
____ Los Altos Hills, CA 94022

18. **HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.
19. **SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.
20. **GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Santa Clara.
21. **ATTORNEYS' FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
22. **ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.
23. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
24. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
25. **CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street

26. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.
27. **COVENANT RUNNING WITH THE LAND.** This Agreement is entered into as a condition of the Tentative Map, is an instrument affecting the title or possession of the real property, and is intended to run with the land. All the terms, covenants and conditions herein imposed shall be binding upon and inure to the benefit of City, Developer, the successors in interest of Developer, their respective successors and permitted assigns, and all subsequent owners of a fee interest in the Property or of a beneficial interest substantially equivalent to a fee interest. The obligations of the Developer under this Agreement shall be the joint and several obligations of each and all of the parties comprising Developer, if Developer consists of more than one individual and/or entity. Upon the sale or division of the Property, the terms of this Agreement shall apply separately to each parcel and the fee owners of each parcel shall succeed to the obligations imposed on Developer by this Agreement.
28. **MISCELLANEOUS.** This Agreement may be executed in counterparts, each of which shall be deemed an original. There are no third-party intended beneficiaries of this Agreement. This Agreement represents the contributions of both parties, each of whom has had the opportunity to be represented by competent counsel, and the rule stated in Civil Code Section 1654 that ambiguities in a contract be construed against the drafter shall have no application hereto.
29. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City and Developer do hereby agree to the full performance of the terms set forth herein.

CITY OF LOS ALTOS

LIMITED LIABILITY COMPANY
1st Place Village, LLC,
a California Limited Liability Company

By: _____
Brad L. Kilger
Title: Interim City Manager
Date: _____

By: _____
Steve R. Johnson
Its: Managing Member
Date: _____

APPROVED AS TO FORM:

By: _____
Jolie Houston
Title: City Attorney

**CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
389 First Street**

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The land referred to in this report is situated in the City of Los Altos, the County of Santa Clara, State of California, and is described as follows:

Parcel No. 1:

Portion of Lot 11 in Block 11, as shown upon that certain Map entitled “Map No. 1 of The Town of Los Altos”, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 25, 1907 in Book L of Maps, at Page 99, and more particularly described as follows:

Beginning at the point of intersection of the Northeasterly line of First Street with the line dividing Lots 11 and 13, in Block 11, as shown upon the Map hereinabove referred to; thence Northwesterly along said line of First Street on a curve to the right with a radius of 5519.65 feet, for an arc distance of 24.045 feet to the most Southerly corner of that certain Parcel of Land described in the Deed from Waldo R. Griffin to Thomas R. Sharman, et ux, dated September 11, 1951 and recorded September 13, 1951 in Book 2282 of Official Records, at Page 484, Santa Clara County Records;

Thence along the Southeasterly line of that certain Parcel of Land so described in the Deed to Sharman, Northeasterly 131.555 feet to a point on the Southwesterly line of an alley;

Thence running Southeasterly along the Southwesterly line of said alley, 25 feet to a point on the dividing line between Lots 11 and 13 in Block 11;

Thence leaving the line of said alley and running along the dividing line between said Lots 11 and 13, Southwesterly 130.05 feet to the point of beginning.

Parcel No. 2

Portion of Lot 13 in Block 11, as shown upon that certain Map entitled “Map No. 1 of The Town of Los Altos”, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 25, 1907 in Book L of Maps, at Page 99, and more particularly described as follows:

beginning at the point of intersection of the Northeasterly line of First Street with the dividing line between Lots 11 and 13, in Block 11, as shown upon the Map hereinabove referred to;

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Thence running Northeasterly and along the dividing line between Lots 11 and 13, in Block 11, 130.05 feet to a point on the Southwesterly line of an alley;

Thence running Southeasterly and along the Southwesterly line of said alley, 25 feet to a point distant thereon 25 feet Northwesterly from the point of intersection of said line of said alley, with the dividing line between Lots 13 and 15 in said Block 11;

Thence running Southwesterly and parallel with the dividing line between said Lots 13 and 15, 128.365 feet to a point on the Northeasterly line of First Street;

Thence running Northwesterly and along the Northeasterly line of First Street on a curve to the right with a radius of 5519.65 feet, for an arc distance of 24.045 feet to the point of beginning.

Parcel No. 3

Beginning at the point of intersection of the Northeasterly line of First Street with the Northwesterly line of Lot 11, as shown upon the recorded Map hereinafter described;

Thence Northeasterly and along said Northwesterly line of Lot 11, 133.06 feet to the

Southwesterly line of an alley; Thence along said Southwesterly line 25 feet;

Thence Southwesterly and parallel with the Northwesterly line of said Lot 11 to the said Northeasterly line of First Street;

Thence along said Northeasterly line of First Street Northwesterly 25.03 feet, more or less to the point of beginning and being a part of Lot 11 in Block 11, as delineated and so designated upon that certain Map entitled "Map No. 1 of The Town of Los Altos, situated in Sec. 30 T. 6S R. 2.W., M.D.M." which said Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on October 25, 1907 in Volume "L" of Maps, at Page 99.

Note: Said Parcels No. 1, 2 & 3 above are also known as follows:

Parcel 1, as shown upon that certain Map entitled "Lands of Fontana Parcel Map" filed for record on February 14, 1980, in Book 458 of Maps, at Pages 51 and 52, Santa Clara County Records.

Assessor's Parcel Numbers(s): 167-41-066

EXHIBIT B**CONDITIONS OF APPROVAL****GENERAL****1. Approved Plans**

The project approval is based upon the plans dated November 9, 2018 and as modified in the abbreviated plans dated July 3, 2019 and the support materials and technical reports, except as modified by these conditions and as specified below.

- a. The improvements along First Street including but not limited to planters and benches at the front of the building shall provide for a minimum one-foot setback to the back of the public sidewalk for the entire frontage to accommodate the pedestrian access easement.
- b. The Applicant shall provide window and fenestration details on the final building plans for review and approval. The windows and doors shall be high quality aluminum clad that is similar to what is conveyed on the approved plans. The windows shall have a minimum inset of three inches. Opaque, reflective, or dark tinted glass should not be used on the ground floor elevation. Sixty (60) percent of the ground floor elevation shall be installed and maintained as transparent window surfaces.
- c. The stone tile applied to the exterior on the first story should be resolved at the corners.
- d. The final shoring and excavation plan shall be reviewed and approved by the Public Works Director or their designee.
- e. The height of the elevator and stair tower shall be no more than 12 feet above the roof deck height (Section 14.66.240(F) of the Municipal Code) so long as it is compliant with the Americans with Disabilities Act (ADA). If access to the roof deck cannot be made compliant with the ADA, the applicant shall revise the plans to eliminate the roof deck and those revised plans shall be the approved plans.
- f. The Applicant shall work with staff to revise the plans to stagger the tower, implement glass wall for rooftop deck and to develop side elevations with expansion joints or possibly a paint treatment to diminish the overall massing of the right elevation.

2. Commercial Space Limitation

The 2,100 square feet of commercial space on the ground floor shall be used only for administrative office uses.

3. Affordable Housing

The Applicant shall offer the City one (1) two-bedroom unit at the moderate income level for sale. The unit shall be designated as any unit except for the first floor unit.

4. Upper Story Lighting

Any exterior lighting above the ground floor on the sides and rear of the building and on the rooftop deck shall be shrouded and/or directed down to minimize glare.

5. 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.

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6. Public Utilities

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

7. Americans with Disabilities Act

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

8. Stormwater Management Plan

The Applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP) NPDES Permit No. CAS612008, Order R2-2015-0049 dated November 15, 2015. 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.

9. Sewer Lateral

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

10. 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 the construction site.

11. 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.

PRIOR TO SUBMITTAL OF BUILDING PERMIT

12. 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.

13. Property Address

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

14. 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.

15. Climate Action Plan Checklist

The Applicant shall implement and incorporate the best management practices (BMPs) into the plans as specified in the Climate Action Compliance Memo prepared by Illingsworth & Rodin, Inc., dated September 21, 2018. The Applicant shall obtain third-party HVAC commissioning per Section 2.2 since the project includes non-residential construction.

**CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
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16. Pollution Prevention

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

17. Storm Water Management Plan

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 Storm Water Management Plan (SWMP) shall be shown on the building plans.

18. Noise Mitigation

The Applicant shall implement and incorporate the noise mitigation measures into the plans as required by the report by Illingsworth & Rodin, Inc., dated November 30, 2017.

PRIOR TO FINAL MAP RECORDATION

19. 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, as approved by the City, shall be a duty and responsibility of the property owners.
- b. The 2,100 square feet of commercial space shall be used only for administrative office uses.
- c. The three surface parking spaces accessed via the public alley shall be considered unrestricted guest parking and the owners shall not put up any restrictive signage to limit the use of these spaces except permitted by state or federal law.
- d. The 22 parking spaces in the mechanical parking lift system shall be assigned and reserved for use by the owners or tenants and shall include provisions for long-term maintenance and upkeep of the mechanical parking lift system;

20. Public Access Easement Dedication

The Applicant shall dedicate public access easements 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.

21. Public Utility Dedication

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

22. Payment of Fees

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

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23. Performance Bond

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

PRIOR TO ISSUANCE OF BUILDING PERMIT

24. Final Map Recordation

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. Sidewalk Lights

The Applicant shall install new light fixture(s) along First Street as directed by the City Engineer.

26. 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.

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

28. Sewage Capacity Study

The Applicant shall submit calculations showing that the City's existing 6" 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.

29. 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 regard to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

30. Sewer Lateral Abandonment

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.

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

32. 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.

33. Affordable Housing Agreement

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 one below market rate unit, for a period of at least 55-years, as defined in Condition No. 2. The below market rate unit 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 regards to design, construction or materials.

PRIOR TO FINAL OCCUPANCY

34. 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.

35. 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.

36. Acoustical Report

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

37. Landscape Installation and Verification

Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

38. Condominium Map

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

**CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
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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. Sidewalk in Public Right-of-Way

The Applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street as directed by the City Engineer.

41. 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.

42. Maintenance Bond

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

43. 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.

44. 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.

45. Master Sign Program

The Applicant shall submit and have an approved master sign program for the building that is in compliance with Section 14.68.130 of the Code.

EXHIBIT C

LABOR CODE PROVISIONS

1. This Agreement is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.
2. The Work is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
3. Developer shall not enter into a contract with a contractor for the performance of the Work unless the contractor and its subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.

EXHIBIT D**INSURANCE REQUIREMENTS**

Developer's performance of Work under this agreement shall not commence until Developer shall have obtained all insurance required under this Exhibit and such insurance shall have been reviewed and approved by the Risk Manager. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

Developer shall procure and maintain for the duration of the contract all necessary insurance against claims now and in the future for alleged injuries to persons or damages to property which may arise from or in connection with the performance of the Work by the Developer, the Contractor it's agents, representatives, employees and contractors.

INSURANCE COVERAGE AND LIMITS RESTRICTIONS

1. It shall be a requirement under this agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.
2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage:
 - a. Blanket contractual liability
 - b. Broad form property coverage
 - c. Personal injury
2. Insurance Services Office form covering Automobile Liability, code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability insurance.
4. Such other insurance coverages and limits as may be required by the City.

B. MINIMUM LIMITS OF INSURANCE

Developer shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage and a \$2,000,000 aggregate. If Commercial General Liability insurance or other form with a general aggregate liability is used, either the general aggregate limit shall apply separately to this agreement or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Employer's Liability:
 - Bodily Injury by Accident - \$1,000,000 each accident.
 - Bodily Injury by Disease - \$1,000,000 policy limit.
 - Bodily Injury by Disease - \$1,000,000 each employee.

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4. Such other insurance coverages and limits as may be required by the City of.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

1. Any deductibles or self-insured retentions must be declared to and approved by the City of. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City of ****CITY****, its officers, officials, employees, and volunteers; or the Developer shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.
2. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.
3. The City reserves the right to obtain a full certified copy of any insurance policy and endorsement. Failure to exercise this right shall not constitute a waiver of right to exercise later.

D. ADDITIONAL INSURED REQUIREMENTS:

The required general liability and automobile policies are to contain, or be endorsed to contain the following provisions:

- a. The City, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects alleged: liability arising out of activities performed by or on behalf of the Developer; products and completed operations of the Developer; premises owned, occupied or used by the Developer; or automobiles owned, leased, hired or borrowed by the Developer. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, agents or volunteers.
- b. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
- c. The Developer's insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer's liability.
- d. Developer shall furnish properly executed Certificates of Insurance from insurance companies acceptable to the City and signed copies of the specified endorsements for each policy prior to commencement of work under this agreement. Such documentation shall clearly evidence all coverages required above including specific evidence of separate endorsements naming the City and shall provide that such insurance shall not be materially changed, terminated or allowed to expire except after 30 days prior written notice by certified mail, return receipt requested, has been filed with the City Clerk.
Such insurance shall be maintained from the time work first commences until completion of the work under this agreement. Developer shall replace such certificates for policies expiring prior to completion of work under this agreement.

E. ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII.

F. COMPLETED OPERATIONS

Developer shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following the completion of this project. In the event the Developer fails to obtain or maintain completed operations coverage as required by this agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by the Developer.

CITY OF LOS ALTOS – IMPROVEMENT AGREEMENT
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G. CROSS-LIABILITY

The Liability policy shall include a cross-liability or severability of interest endorsement.

H. FAILURE TO MAINTAIN INSURANCE COVERAGE

If Developer, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The City, at its sole option, may terminate this agreement and obtain damages from the Developer resulting from said breach. Alternatively, the City may purchase such required insurance coverage, and Developer shall reimburse the City for any premium costs advanced by the City for such insurance.

I. PRIMARY AND NON-CONTRIBUTORY

For any claims related to this project, the Developer’s insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Developer’s insurance and shall not contribute with it.

The additional insured coverage under the Developer’s policy shall be primary and non-contributory” and will not seek contribution from the City’s insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

J. SUBCONTRACTORS

Developer shall require its contractors to maintain the same levels of insurance and provide the same indemnity that the Developer is required to provide under this Agreement. A contractor is anyone who is under contract with the Developer or any of its contractors to perform work contemplated by this Agreement. The Developer shall require all contractors to provide evidence of valid insurance and the required endorsements prior to the commencement of any work.

K. SUBROGATION WAIVER

Developer agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all Contractors, subcontractors or others involved in any way with the services to do likewise.

L. VERIFICATION OF COVERAGE

Developer shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before the services commence.



PUBLIC HEARING

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: January 26, 2021

Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Jon Maginot, Deputy City Manager

Attachments:

1. Approval Resolution No. 2021-04
2. Denial Resolution No. 2021-04
3. Updated Story Pole Policy Exemption Request Letter, January 4, 2021
4. Updated Story Pole Letter from BFK Engineers, March 20, 2020
5. Alternative Story Pole Placement Plan
6. City Council Minutes, April 4, 2020
7. City Council Agenda Report, April 4, 2020
8. Councilmember Enander Story Pole Plan and Photos
9. Public Correspondence

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019, November 12, 2019 and April 14, 2020

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a fourth request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern

Reviewed By:

City Manager

____JM____

City Attorney

____JH____

Finance Director

____SE____



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.

- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's second story pole exception request was unanimously continued to a date uncertain by the City Council on November 12, 2019 with direction that the applicant work with staff and return to the Council with 1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings that give the community an opportunity to view the project from neighboring properties, 3) a 3D animation model, and 4) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's third story pole exception request was unanimously continued to a date uncertain by the City Council on April 14, 2020 and Councilmembers Enander and Lee Eng were appointed to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of the existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision applications for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The applicant submitted the original application, project plans and documentation for the design review, conditional use permit and subdivision applications in December 2018. On July 8, 2019, October 1, 2019, November 4, 2019, December 30, 2019, May 7, 2020, August 20, 2020, October 12, 2020 and November 24, 2020, the applicant resubmitted their application and project plans. The City responded with incomplete letters dated January 24, 2019, February 11, 2019, August 6, 2019, August 13, 2019, October 17, 2019, November 12, 2019, June 30, 2020, August 6, 2020, September 15, 2020, November 9, 2020 and December 21, 2020. The City's letter dated December 21, 2020 found one outstanding incompleteness issue, i.e., the applicant still has not provided all of the information required by the Santa Clara County Fire Department to review the project.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In cases where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

On November 12, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with (1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings, and (3) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

On April 14, 2020, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain and the appointment of Councilmembers Enander and Lee Eng to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions

Application Process

Following the City Council's continuance of the Story Pole Exception Request application on April 14, 2020, staff communicated with the applicant and confirmed the direction from the City Council.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

On May 6, 2020, staff met with Councilmembers Enander and Lee Eng to discuss the story pole submittal. The City Council subcommittee was scheduled to meet with the applicant to address the following:

1. The Story Pole plan shall be revised to increase the number of story poles from the two proposed story poles.
2. The Story Pole plan shall be revised to include billboards with the pedestrian perspective renderings on locations to be recommended by the City Council Subcommittee.
3. The Story Pole plan shall be revised to provide six photorealistic perspectives of the building form to give the community an opportunity to view the project from neighboring properties.

In May and June 2020, the applicant met with Councilmembers Enander and Lee Eng by videoconference to discuss the story pole submittal, which the applicant preliminarily agreed to the following revisions to the Story Pole Resubmittal:

1. The Story Pole plan shall be revised to provide four story poles, which included additional story poles in locations C and D to join previously proposed pole locations A and B, consistent with the story pole map (Attachment 8) provided by Councilmember Enander.
2. The Story Pole plan shall be revised to provide points of reference for the two highest points of the proposed building by providing helium balloons at the correct elevations.
3. The Story Pole plan shall be revised to utilize a total of four billboards at three locations: one on Los Altos Avenue, two at the Los Altos Avenue/El Camino Real corner and one on El Camino Real.
4. The Story Pole plan shall be revised to provide six pedestrian perspective photo simulated renderings consistent with the photographs of desired pedestrian perspectives (Attachment 8) provided by Councilmember Enander.
5. The Story Pole plan shall be revised to provide a pedestrian level “flythrough” 3-D model, which would be in addition to the previously submitted “flyover” 3-D model.
6. The Story Pole plan will not block one or more driveways as requested by the Council subcommittee. The Story Plan Resubmittal provides a diagram that demonstrates the circulation requirements that prevent the applicant from closing any of the driveways.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

On June 30, 2020, staff provided an incompleteness letter to the applicant requesting the applicant comply with the City's Story Pole submittal requirements and City Council direction from the April 14, 2020 meeting.

On July 17, 2020, staff met with Councilmembers Enander and Lee Eng by videoconference to obtain their final direction on the story pole plan for the project. The City Council Subcommittee provided the following final recommendations for the story pole plan:

1. The Story Pole plan shall be revised to include four story poles, including additional story poles in locations C and D to join previously proposed pole locations A and B, consistent with the story pole map (Attachment 8) provided by Councilmember Enander. The poles will have mesh or flags connecting A to B to C to D as specified in the City policy.
2. The Story Pole plan shall be revised to provide points of reference for the two highest points of the proposed building by providing helium balloons at the correct elevations in locations F and H consistent with the story pole map (Attachment 8) provided by Councilmember Enander.
3. The Story Pole plan shall be revised to utilize a total of four billboards at three locations: one on Los Altos Avenue (billboard No. 1), two at the Los Altos Avenue/El Camino Real corner (billboard Nos. 2 and 3) and one on El Camino Real (billboard No. 4). The City Council subcommittee provided suggestions for the content of the billboards, the recommended photo simulations for each billboard, and the size and height of each billboard
4. The billboard pedestrian perspective photos shall be consistent with the photographs of desired pedestrian perspectives (Attachment 8) provided by Councilmember Enander.
5. The Story Pole plan shall be revised to provide a pedestrian level "flythrough" 3-model, which would be in addition to the previously submitted "flyover" 3-d model.

On July 29, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. The Story Pole plan shall be revised to be consistent with council direction, which required the installation of story pole locations A, B, C and D to show the corners of the buildings, and the bulk and mass of the structure.
2. The Story Pole plan shall show the two highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue) by providing helium balloons in locations F and H.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

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3. The Story Pole Plan shall be revised to show the story pole materials, installation details and structural requirements, and the site plan shall show netting or flagging connecting the story pole locations A, B, C and D.
 4. The billboard Nos. 1, 2, 3 and 4 shall provide six photorealistic perspectives of the building form to give the community an opportunity to view the project from neighboring properties. The billboards shall be revised consistent with the Story Pole Submittal Requirement handout and City Council Subcommittee directions related to their location, board size, board height, images and text for the billboards.
 5. The pedestrian photorealistic perspectives shall be consistent with the photographs (Attachment 8) provided by Councilmember Enander.
 6. A 3-D animation model shall be provided that shows the building massing from both a pedestrian level and from an aerial fly around. The animations should be posted online and a link to the animation shall be provided on each of the billboards placed on the site.
 7. An Indemnity Statement shown on the cover sheet, signed by the owner or application consistent with the City's Story Pole Submittal Requirement Handout.

On August 12, 2020, staff spoke with the applicant and reviewed the incompleteness letter. Staff requested the applicant address all items in the incompleteness letter and confirmed mockups of the billboards were required with a resubmittal.

On August 17, 2020, the applicant's architect submitted a 3-D animation model, with the applicant's revised story pole plan submitted on August 19, 2020.

On September 18, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. Billboard Nos. 1, 3 and 4 shall be revised to show the text and photorealistic perspective consistent with the incompleteness letter dated July 29, 2020
2. Billboard No. 2 shall be revised to show the text consistent with the incompleteness letter dated July 29, 2020.
3. A 3-D animation model was submitted that shows the building massing from both a pedestrian level and from an aerial fly around. The City found the models are consistent with the City's Story Pole Submittal requirements and no further action is required by the applicant.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

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4. The cover sheet shall be revised to show an Indemnity Statement consistent with the City's Story Pole Submittal Requirement Handout.
 5. The perspective view on Los Altos Avenue looking to the northeast shall be revised to improve the quality of the architectural details of the adjacent buildings.

On October 12, 2020, the applicant submitted a revised story pole plan submittal.

On November 10, 2020, staff provided an incompleteness letter to the applicant. Staff requested the applicant address the City Council's subcommittee's directions and the City's Story Pole Submittal requirements as follows:

1. Billboard Nos. 1, 3 and 4 shall be revised to show the text and photorealistic perspective consistent with the incompleteness letter dated July 29, 2020

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

On November 24, 2020, the applicant submitted a revised story pole plan submittal and proposed the following:

1. A story pole diagram and elevations (Attachment 5) show the installation of four-story poles: three story poles (A, B and D) representing the eastern wall of the building and three story poles (B, C and D) representing the southern wall of the building. The four story poles are 57-foot 4-1/4-inch tall with netting or string and flags connecting the four poles to define the height and mass of the building.
2. The story pole diagram and elevations (Attachment 5) show the points of reference for the two highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue) by providing helium balloons at a height of 57-foot 4-1/4-inch tall in locations F and H.
3. The story pole diagram and billboard elevations show the installation of four billboards at three locations as described below:
 - a. Billboard No. 1 shall be located between the subject property and the adjacent multiple-family property along El Camino Real. The billboard shall be 16 feet wide by 12 feet tall, with the board height 20 feet above grade. The billboard shall have an image from El Camino Real



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

perspectives and the text shall be similar to the Public Notice Sign Requirements for New Multi-Family handout.

- b. Billboard No. 2 and 3 shall be angled together at an approximate 120 to 135 degrees angle on the berm at the corner of El Camino Real and Los Altos Avenue. The billboards shall be 12 feet wide by 8 feet tall, with the board height 11 feet above grade. Billboard No. 2 shall have two images and a three public noticing figures, and Billboard No. 2 shall have three images. The two billboards shall have text similar to the Public Notice Sign Requirements for New Multi-Family handout.
 - c. Billboard No. 4 shall be located on the subject property in the planting strip parallel to the sidewalk along Los Altos Avenue. The billboard shall be 12 feet wide by 8 feet tall, with the board height 11 feet above grade. The billboard shall have two images and the text shall be similar to the Public Notice Sign Requirements for New Multi-Family handout.
4. The Story Pole plan provides eight pedestrian perspective photo simulated renderings, which superimposes the proposed building with the properly scaled multiple-family building.
 5. A 3D animation model that shows the building massing from a pedestrian level and an aerial fly around perspective. The animations will be posted online and a link to the animation would be provided on each of the billboards placed on the site.

The City provided the applicant a letter (via email) on December 21, 2020 advising the submittal appeared to comply with the directions of Councilmembers Enander and Lee Eng by providing 1) additional story poles to identify the bulk and mass of the structure, 2) a story pole plan that shows the points of reference for the two highest points of the proposed building by providing helium balloons at a height of 57-foot 4-1/4-inch tall in locations F and H, 3) photorealistic and human eye realistic renderings on four billboards that improves the opportunity to view the project from neighboring properties, 4) eight pedestrian perspective photo simulated renderings, and 5) a 3D animation model from a pedestrian scale and aerial fly around perspective.

As outlined in the Applicant's exemption request letter (Attachment 3) and BFK Engineer's letter (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant reviewed the story pole locations suggested by Councilmember Enander and explored the closure of one driveway to accommodate additional story poles. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. The applicant has provided a circulation diagram in the story pole submittal, which demonstrates the circulation issues preventing closure of a driveway. As a result of this constraint, the Applicant does



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

not believe it is feasible place all of the story poles in a way that meets the Story Pole Policy's requirements.

The fundamental issue presented for Council's evaluation is whether there is a public health and/or safety concern associated with the obstruction of pathways and driveways of the service station or the potential failure of a story pole or guy wire, which could obstruct a public sidewalk or street, damage overhead utility lines or infrastructure, cause damage to personal property or result in personal injury to an individual using an adjacent public sidewalk or street, that justifies granting an exception from installing story poles per the Story Pole Policy.

As noted by the Applicant, the story plan has increased the number of story poles from two story poles to four story poles to better represent the building's height and massing. In lieu of physical story poles at all corners of the proposed building, the applicant proposes the following alternatives: 1) two balloons to represent the highest points of the proposed building along the north (El Camino Real) and west elevation (Los Altos Avenue), 2) four billboards with improved photo renderings and public noticing information, 3) six photo simulated renderings of the multi-family structure, and 4) 3D models at the pedestrian level and an aerial fly around perspective to provide the public with information to understand the project's height and massing, relationship to adjacent buildings and profile.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Public Correspondence

To-date, staff has received correspondence from one resident regarding the story pole exception request application (Attachment 9).

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.

ATTACHMENT 1

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS GRANTING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY TO THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review to erect story poles as part of the application and public review process (the "Story Pole Policy"); and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, February 3, 2020, and April 4, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles in close proximity to drive aisles; and

WHEREAS, this action is exempt from CEQA each as a separate and independent basis, pursuant to CEQA Guidelines Section 15303 (new construction of small structures) and CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the action will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the applicant's request for an exception from the installation of story poles per the City's Story Pole Policy based on the following finding:

1. There is a public health and safety concern or impairment of the existing site or buildings due to the placement of the story poles and guy wires posing a threat of physical harm to users and a safety concern if a story pole or guy wire were to cause damage to personal property or result in personal injury to an individual attempting to access the site; and
2. Installation of story poles per the City's Story Pole Policy would impair the use of the structure on the site to the extent that operation of the existing gasoline service station would be infeasible.

ATTACHMENT 1

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 26th day of January, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

ATTACHMENT 2

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS DENYING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review to erect story poles as part of the public review process; and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, February 3, 2020, and April 4, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles limiting access to the site; and

WHEREAS, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to warrant the granting of an exception as outlined in the Story Pole Policy; and

WHEREAS, this action is not subject to environmental review pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos, based upon the entire record before the Council, hereby denies the applicant's request for a partial exception from the City's Story Pole Policy based on the following findings:

1. There is insufficient evidence in the record to demonstrate that compliance with the Story Pole Policy's requirements for placement of story poles and guy wires would cause a public health or safety concern that warrants granting of an exception; and

ATTACHMENT 2

2. There is insufficient evidence in the record to demonstrate that installation of story poles in accordance with the City's Story Pole Policy would impair the use of existing gasoline service station business on the site to the extent that it would be infeasible to operate and warrant the granting of the exception.

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 26th day of January, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

January 6, 2021

City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

SUBJECT: STORY POLE EXEMPTION FOR 4350 EL CAMINO REAL

Dear Mayor Fligor:

Thank you for the Council's April 14, 2020 review of our story pole exemption. We appreciated the opportunity to work with the City Council's ad hoc subcommittee and staff to review our challenges to provide story poles at our busy and hazardous service station property. As this is our fourth hearing before the City Council on this matter beginning on September 24, 2019, we are especially hopeful to receive the Council's support for our story pole exemption. This letter summarizes our latest revisions to the application for a story pole exemption.

Our amended proposal builds on our previous efforts to address Council concerns. Our last submittal included creating four photorealistic images of the project in context, considering alternative story poles atop the fueling area canopies and near the corner of the site, enhancing our public outreach with additional billboards with specific views of the proposal, and developing a 3D computer model of the project with pedestrian-level and flyover views. Following the ad hoc Council subcommittee we developed the following enhancements to the application:

Additional Story Poles

We added two more story poles (C and D) for a total of four story poles. The four story poles provide an opportunity to define a significant part of the proposed building including the northeastern corner, the articulation of the eastern wall, and showing the southeastern corner. The nesting metal poles will be guyed with wires typical of such structures. The poles will contain markings at five-foot increments and two-foot wide brightly colored netting defining the roofline.

The location of poles C and D are challenging for us since Pole C is located atop our service station structure with its difficulties of maintaining the integrity of the roof and Pole D displaces our southern parking and staging area. Additionally, Poles A and B

displace our parking along the eastern border so we are left with very little area to park and stage vehicles for service. We are also challenged by the location of Pole D since it has the potential to disrupt our legally required accessible parking and air station. The locations of the story poles are shown on the site plan.

Height Balloons

We added two Balloons (F and H) to show the proposed building height from each of the building frontages. The balloons will be anchored to float at the proposed roofline, which helps fulfill the primary reasons for the story pole requirements to draw the public's attention to the proposal. The locations of the balloons are shown on the site plan.

Enhanced Billboards

We clarified the images and content for each of the four proposed billboards. Each billboard will contain a photorealistic image, or images, relevant to each location and legible text to provide details of the project and where to find additional information about the project. The billboards will be larger than the typical four-foot by eight-foot dimension. The locations of the billboards are shown on the site plan and building elevations.

Commercial Vehicle Circulation Diagram

We added a commercial vehicle circulation diagram to help show the site circulation challenges for trucks. The diagram shows the typical routes for the roughly 45-foot long gasoline tankers and the approximately 30-foot long medium size delivery and utility trucks. The gasoline tankers access the property from Los Altos Avenue and exit to El Camino Real dominating the area at the north-west corner of the site during their frequent fuel deliveries. The other trucks mainly use Los Altos Avenue for access to the auto service and convenience store building and the loading area to the south and east sides of the property.

Updated Perspectives, Renderings and Site Photos/Photo Simulations

We worked to refine our photorealistic perspectives to add details, context and orientation to better correlate with chosen vantage points and help create a photomontage. We also refined our renderings of the interior courtyard to provide more details such as building materials and landscape.

The series of site photos and photo simulations presents a montage of real and simulated images from the same or substantially similar locations. These series of images helps illustrate the relationship of the proposed building in the actual context and helps establish the veracity of the simulations. The location and angle of the photographs were determined by the ad hoc subcommittee.

Three Dimensional Modeling

We provided a set of three dimensional computer models for the project. One model emphasizes a pedestrian's view of the project walking down the street sidewalk and in the courtyard areas. The other model presents more of a fly over showing a bird's eye view of the project. The 3D models will be referenced on the billboards and will be available on the City's website.

Summary

While we are committed to providing some story poles on the property, we are extremely concerned about such structures at our busy gas station site. We believe, as does our consultant team, that with a service station site we have one of the most dangerous sites in the City to install story poles. The City's story pole policy allows granting exemptions and we have met the required standards for exempting the normal installation of story poles.

As we have explained in our three prior submittals to the Council, a normal story pole installation would substantially disrupt our business functions and/or present safety risks to our customers, employees and the general public. Our series of story poles, enhanced billboards, detailed photorealistic perspectives and three dimensional computer modeling available to the public more than achieves the central purpose of the story pole policy—to provide a physical notice to the public. Our story pole plan achieves a very high level of notification and provides factual information for the public that far exceeds the typical standards applied to other projects in the City.

Story Pole Exemption

January 6, 2021

Page 4 of 4

In closing, we feel forced by the City to install story poles on our gas station property that are inherently dangerous and this does not seem fair or appropriate. Not only is this the most hazardous type of site in the City to consider story poles, every story pole installation to date in the City has failed in some manner and in one case caused off-site property damage. It is just a matter of time before someone gets hurt or worse. As property owners we understand that we are liable. This especially burdensome despite the City's policy allowing for exemption but not fully granting it combined with the City's requirement for us as property owners to hold the City harmless for any liability should something harmful occur. In other words, it seems that the City is requiring us to do something dangerous but it is not willing to accept any responsibility for the potential ill effects of its own requirements even though our location meets the City's exemption standards.

To minimize the safety risk we will to limit the duration of the story poles and balloons to 30 days to allow for adequate public notice of the Planning Commission meeting, viewing by the Commissioners and Council members, and for the staff to document the installation for the file.

Finally, we remain committed to a special outreach meeting with the surrounding property owners although it is difficult to predict the resources available to us during this Covid era. We envision a meeting with the surrounding public after the story pole plan is accomplished but prior to our Planning Commission hearing to give the interested owners benefit of the best available information. Should we have the ability to conduct a safe meeting we will have members of our consultant team available at our outreach meeting to help explain the project and address questions.

Thank you for your consideration. We look forward to meeting with you to present our revised story pole proposal.

Sincerely,

Angie Galatolo
Owner/Applicant
4350 El Camino Real

TECHNICAL MEMORANDUM

Date: March 20, 2020 **BKF Job Number:** 20180481

Deliver To: City of Los Altos

From: Isaac Kontorovsky, PE

Subject: 4350 El Camino Real – Engineer’s Letter of Public Safety and On-site Conflicts

To Whom It May Concern,

The proposed project at 4350 El Camino Real consists of a new five-story 47-unit multiple-family building with two levels of underground parking. The project site is currently developed as a gas station (76) and located on the southeast corner of El Camino Real and Los Altos Avenue.

In accordance with City Council's Open Government Policy, adopted on March 24, 2015, and amended on August 22, 2017 and May 22, 2018, all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process.

Per the above mentioned story pole policy, the standard story pole installation at 4350 El Camino Real would entail approximately 20-60' tall steel poles. Each pole requires a concrete base as well as guy wires in 3 to 4 directions depending on their location. These guy wires would radiate out from the story pole at approximately 20'-30' from the base. Additionally, the distance between each story pole cannot be more than 35'.

The story poles would be installed during the remaining time of operation for the existing gas station. Due to the required spacing and guy wire locations the poles completely cut off access to the existing property if placed along the northeastern and northwestern frontage of the lot. Additionally, poles and their required guy wires would cutoff access to the ADA stalls and air station if placed along the southwestern side of the lot.

Per the traffic study, dated June 21 by Hexagon transportation Consultants and submitted to the city, a daily trip count of 921 was calculated. In our professional opinion, this large volume of in and out traffic poses a significant risk if poles and guy wires begin to block access. A situation would be created where automobiles must maneuver around pump stations, guy wires, poles and other cars for ingress and egress.

The story pole installer has also raised concerns over the poles, specifically in regards to their height and the potential hazard given the proximity to the public right of way. We agree that the issue is cause for concern if the project at 425 First Street is used as a case study. On this project a story pole failed under minimal wind loading. It should be noted that these poles were half the height the proposed

story poles on 4350 El Camino.

Furthermore, although complete underground service locating has not been completed we have concerns over any concrete base that would need to be placed given the hazardous and potentially dangerous nature of any utility conflicts with the required concrete bases.

Per the Los Altos Story pole policy, both criteria for an exemption have been met. To aid the citizens of Los Altos in understanding the development size and shape, the owner has proposed a thorough and detailed plan including:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;
- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Given the exemption criteria of "a public health and/or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it could not be occupied and the existing business and/or residential use would be infeasible" our recommendation is in line with the plan put forward by the owner listed above.

If there are any further questions please feel free to contact me.

Thank You,



Isaac Kontorovsky, PE

Vice President
BKF Engineers

4350 EL CAMINO REAL

LOS ALTOS, CALIFORNIA

STORY POLE EXCEPTION APPLICATION

DRAWING INDEX:

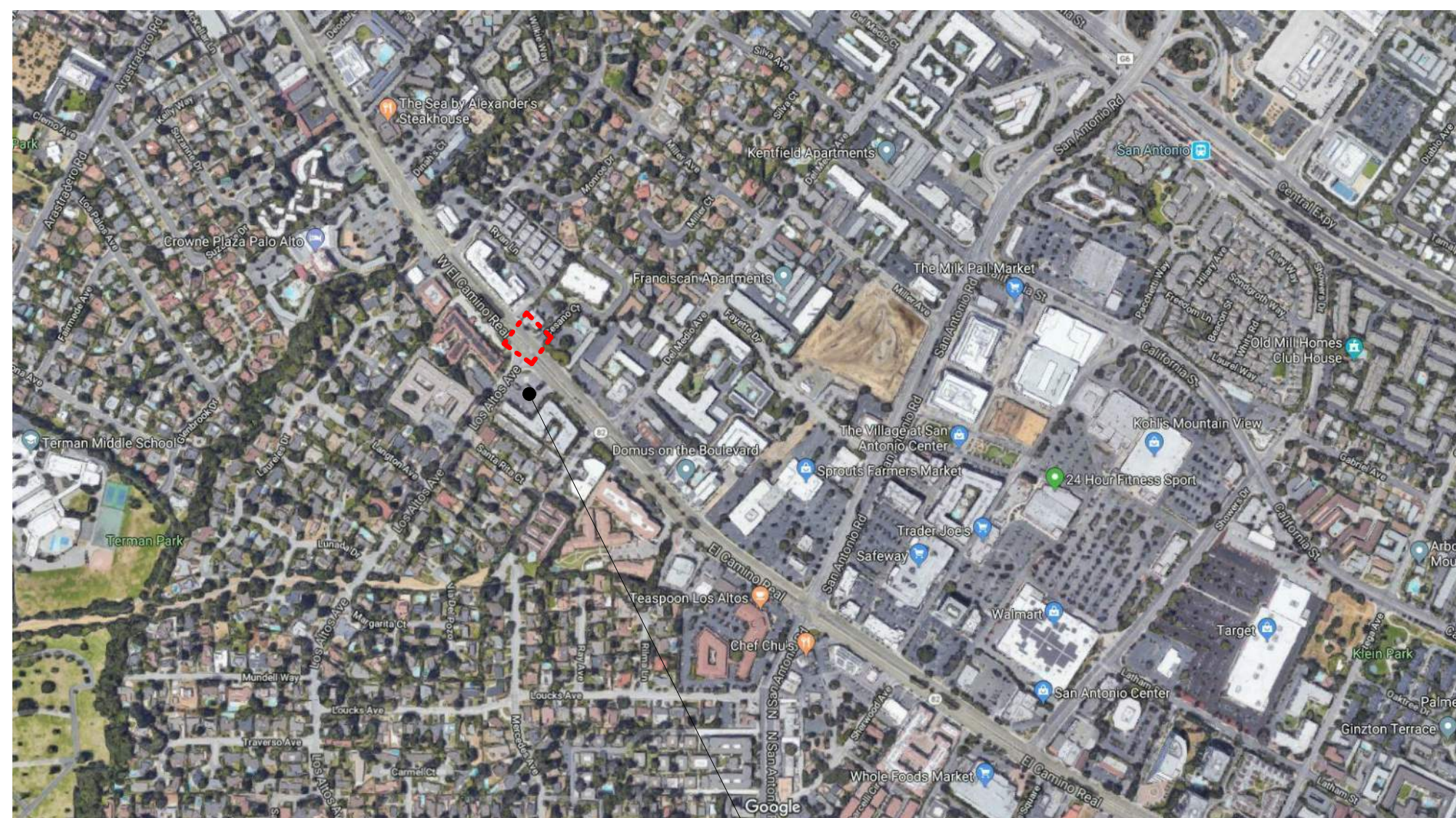
- A0.0a COVER SHEET - STORY POLE
- STORY POLE DIAGRAM
- STORY POLE ELEVATIONS
- STORY POLE ELEVATIONS
- BILLBOARD NO.1
- BILLBOARD NO.2
- BILLBOARD NO.3
- BILLBOARD NO.4
- COMMERCIAL VEHICLE CIRCULATION DIAGRAM

- A1.0 SITE PLAN

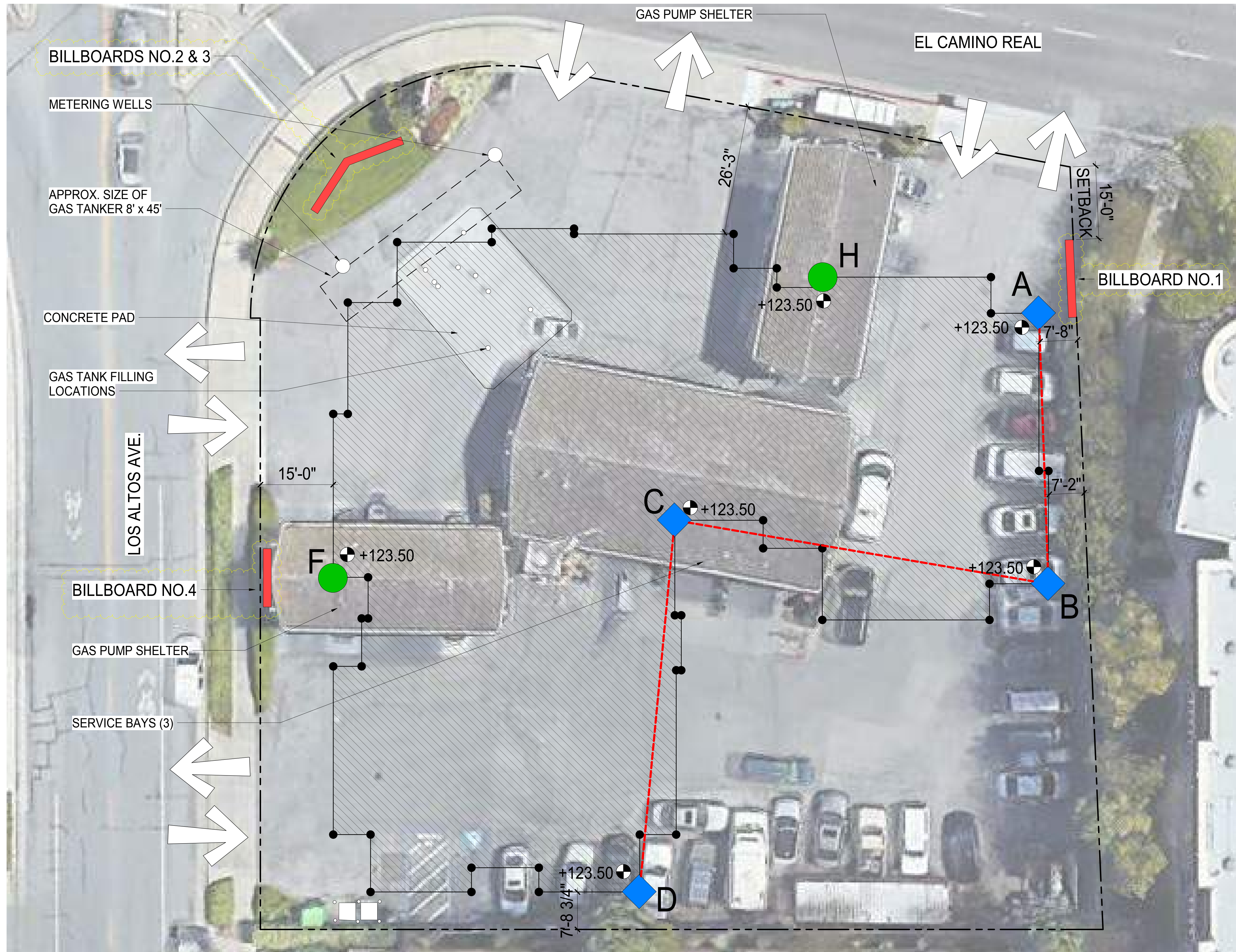
- A3.0a PERSPECTIVE VIEW @ EL CAMINO REAL + LOS ALTOS AVE.
- A3.0b PERSPECTIVE VIEW FROM EAST ON EL CAMINO REAL
- A3.0c PERSPECTIVE VIEW FROM SOUTH ON LOS ALTOS AVE.
- A3.0d PERSPECTIVE VIEW ON LOS ALTOS AVE LOOKING NORTH EAST

- A3.0e COURTYARD RENDERED VIEW FROM EAST
- A3.0f COURTYARD RENDERED VIEW FROM SOUTH
- A3.0g RENDERED VIEW FROM EAST
- A3.0h RENDERED VIEW FROM SOUTH

- A3.0i SITE PHOTOS AND SIMULATIONS
- A3.0j SITE PHOTOS AND SIMULATIONS
- A3.0k SITE PHOTOS AND SIMULATIONS



PROJECT SITE

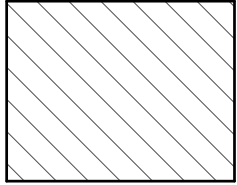
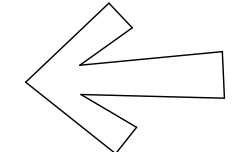

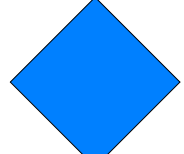

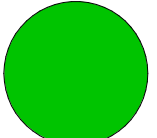


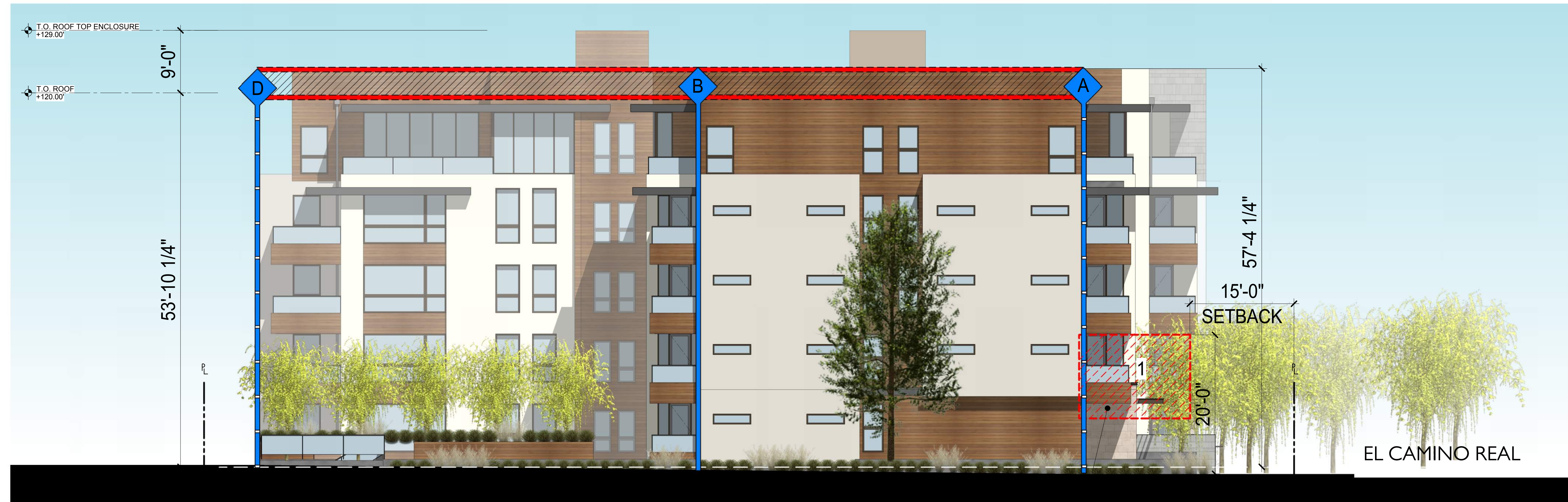
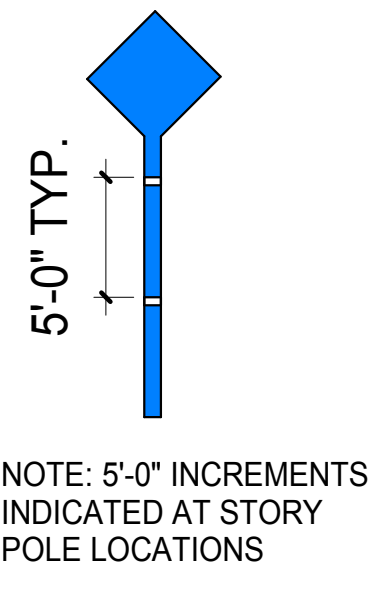
NOTE: TYPICAL STORY POLE MATERIALS - NESTED ALUMINUM METAL POLES, STEEL GUY WIRES. POLES SET AT APPROPRIATE HEIGHT FROM GRADE TO BUILDING HEIGHT. POLES ANCHORED WITH A SERIES OF GUY WIRES AT TWO TO THREE HEIGHTS. POLES LABELED IN 5-FT INCREMENTS FROM FINISH GRADE. TWO-FOOT WIDE BRIGHTLY COLORED NETTING AND/OR FLAGS SPANNING BETWEEN THE POLES AT THE PROPOSED BUILDING HEIGHT

INDEMNITY STATEMENT:
 THE UNDERSIGNED (APPLICANT/OWNER) AGREES TO IDEMNIFY AND HOLD THE CITY HARMLESS FOR ANY LIABILITY, COSTS OR EXPENSES, INCLUDING ATTORNEY'S FEES, ASSOCIATED WITH THE CONSTRUCTION OF, OR ANY DAMAGE CAUSED BY, THE STORY POLES OR SUPPORT APPARATUS INSTALLED PER THIS PLAN."

 OWNER'S REPRESENTATIVE SIGNATURE

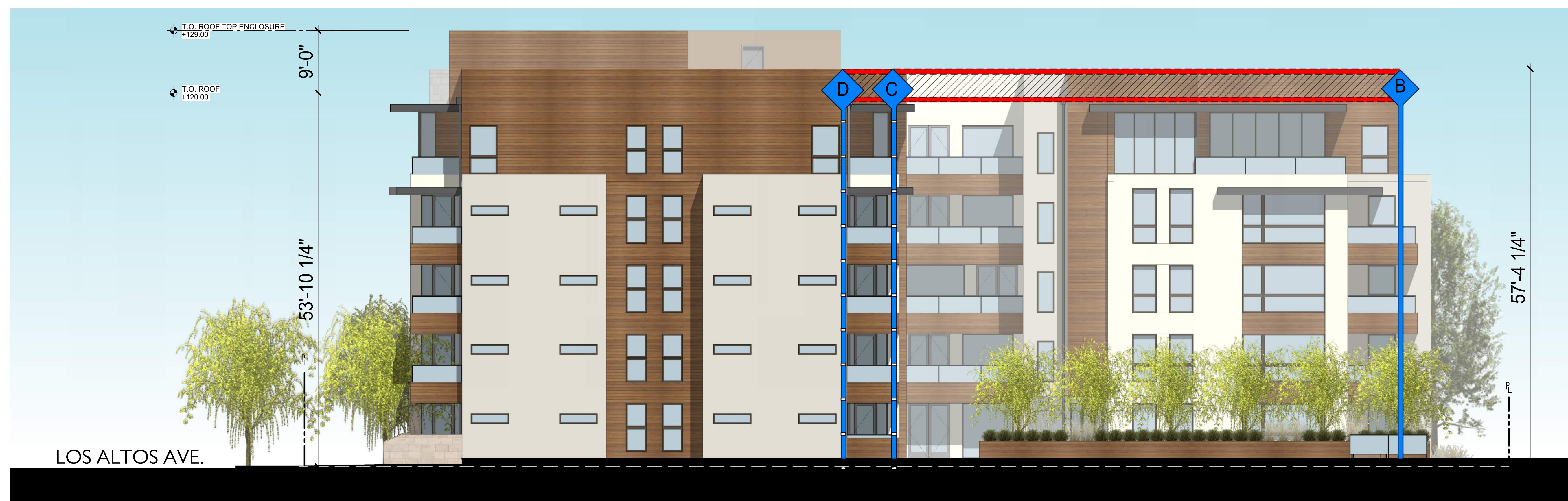
GRAPHIC LEGEND:

-  PROPOSED BUILDING FOOTPRINT
-  VEHICULAR SITE ACCESS
-  PROPOSED CORNER OF BUILDING
-  TOPOGRAPHIC ELEVATION
-  STORY POLE LOCATIONS
-  STORY POLE NETTING
-  BILLBOARD LOCATIONS
-  BALLOON LOCATIONS

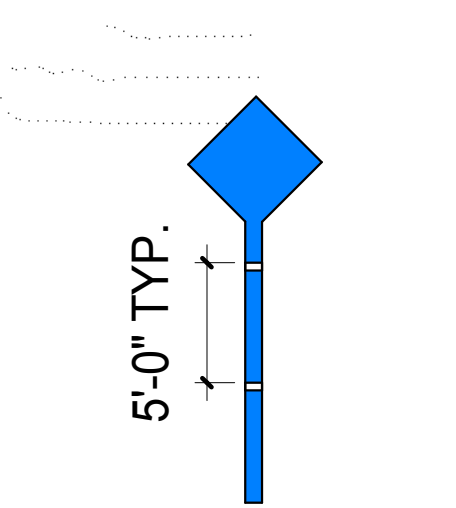


STORY POLE EAST ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE SOUTH ELEVATION



NOTE: 5'-0" INCREMENTS INDICATED AT STORY POLE LOCATIONS



STORY POLE LOS ALTOS AVE ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EL CAMINO REAL ELEVATION

APPROX. BILLBOARD LOCATION

APPROX. BILLBOARD LOCATION



4350 EL CAMINO REAL

Project Description:

The proposed design for 4350 El Camino Real provides 40 new market rate condominium residences, and 7 affordable residences on the prominent corner of Los Altos Avenue and El Camino Real. Of the 7 affordable residences there are 3 Very Low Income 1BR units, 2 Moderate Low Income 1 BR units and 2 Moderate Low Income 2 BR units. The 2/3rd + acre site is bordered on two sides by an existing 3 story multifamily structure. 4350 is designed in a 5 story "L" shaped configuration creating an ample open space courtyard that provides a light filled landscape space between the buildings. In total, the onsite open space requirement is exceeded by more than 500%.

The project is proposing 9' of the 11' height increase Incentive above the height limit of 45' per LAMC 14.28.040 and an incentive to propose 24' wide parking drive aisles.

The average set back along El Camino Real exceeds the required setback due to the "staggered" massing related to the angle of the roadway, permitting an enhanced landscape frontage and robust articulation of the façade. The top floor has deeper setbacks on both El Camino Real and Los Altos Avenue reducing the scale and adding attractive character to the massing.

Along Los Altos Avenue, the ground floor residences are provided with stoops leading to direct exterior entries, enhancing the pedestrian character of the street. A glassy, transparent building lobby is located at the corner, and features a unique massing treatment above with projected wood balconies and corten elements. Other exterior building materials include stone, plaster, cementitious siding, glass railings, and ornamental metal work. Many of the windows are recessed providing 3-dimensional articulation to the building.

The resident courtyard has been designed to provide a pleasant landscaped amenity space for the residents. The east and south sides of the courtyard are lined with trees, which combined with the trees on the adjacent property lines, provide effective screening and privacy for both adjacent residents, as well as the residents of this project.

The 2 level below grade parking garage provides 84 parking spaces, as well as secure bike parking.

Applicant / Property Owner:

ANGIE & GREG GALATOLO
PHONE: (650) 704-8168
EMAIL: ANGIEGALATOLO@GMAIL.COM

Project Planner:

To submit comments or get additional information, please contact:
SEAN K. GALLEGOS, ASSOCIATE PLANNER
PHONE: (650) 947-2641
EMAIL: SGALLEGOS@LOSALTOSCA.GOV



4350 EL CAMINO REAL MULTI-FAMILY HOUSING

12'-0"

NOTICE OF DEVELOPMENT PROPOSAL: 4350 EL CAMINO REAL LOS ALTOS, CA



4350 EL CAMINO REAL

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PUBLIC MEETING DATES (AS SCHEDULED)

NOTICE FIGURE	NOTICE FIGURE	NOTICE FIGURE
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GRAPHIC LEGEND:

- PROPOSED BUILDING FOOTPRINT
- VEHICULAR SITE ACCESS
- PROPOSED CORNER OF BUILDING
- TOPOGRAPHIC ELEVATION
- STORY POLE LOCATIONS
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- BILLBOARD LOCATIONS
- BALLOON LOCATIONS

8'-0"

12'-0"

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8'-0"

12'-0"

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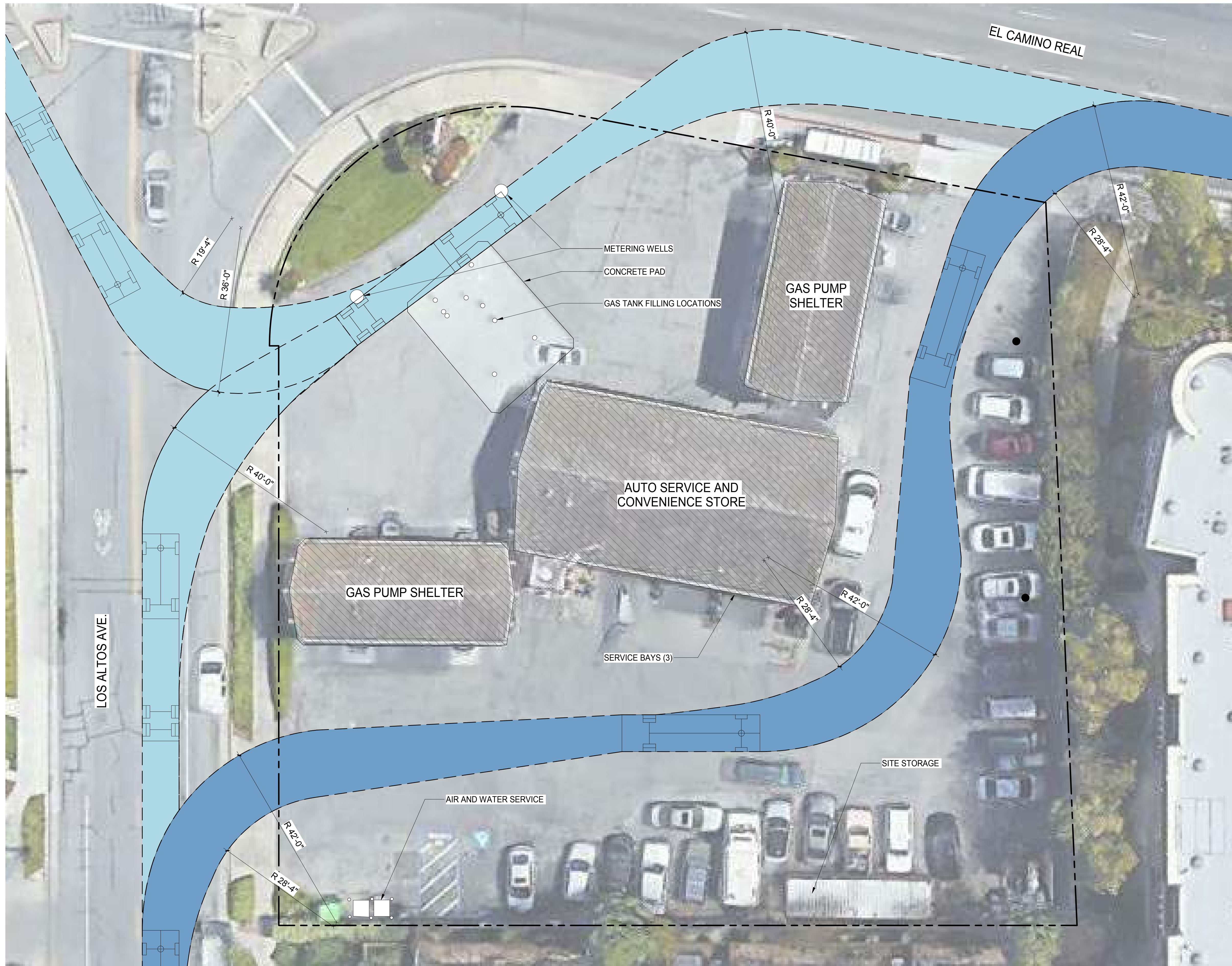
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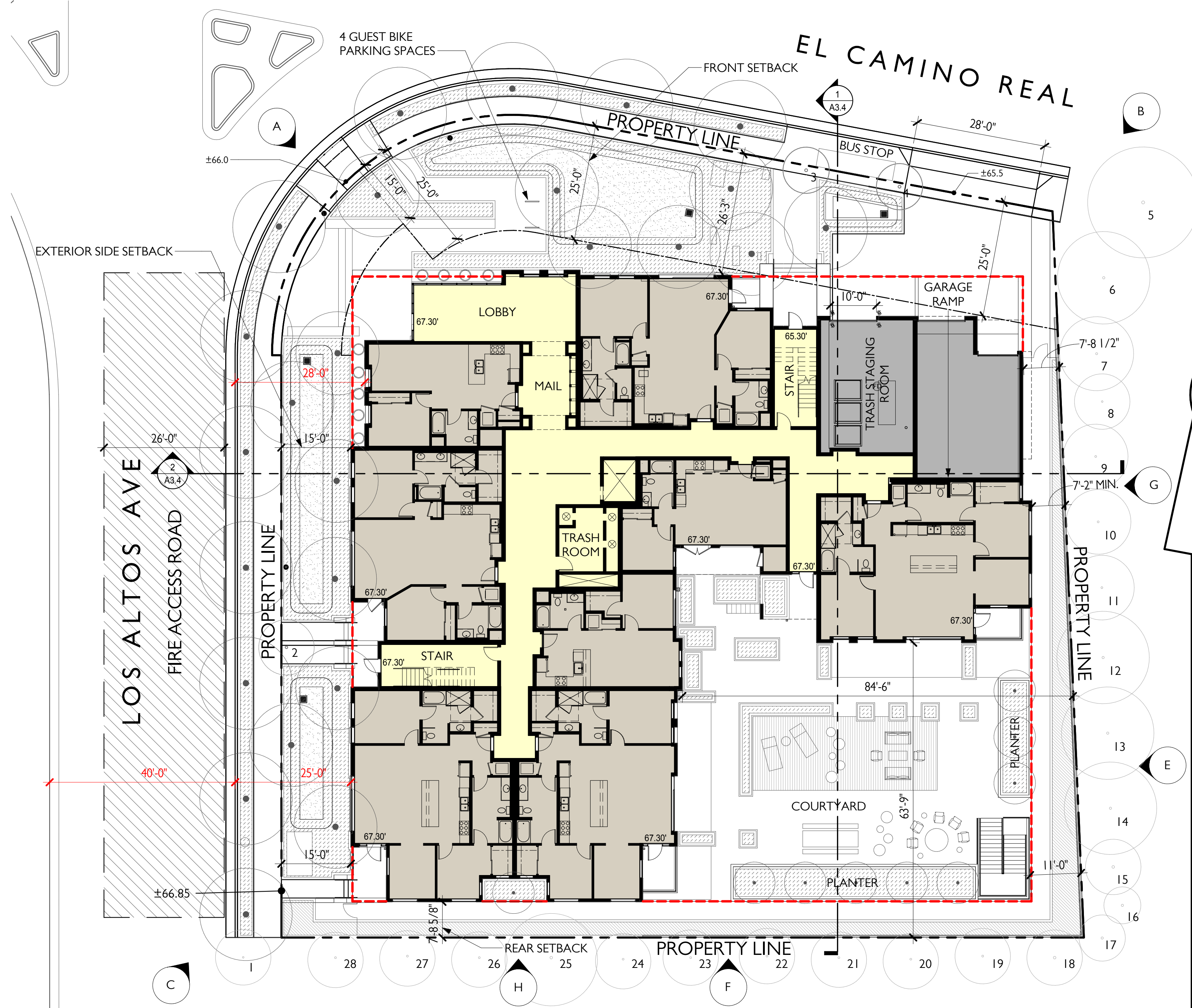
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8'-0"



GRAPHIC LEGEND	
GAS DELIVERY TANKER TRUCK	
SIZE:	8'-0" x 45'-0" APPROX.
INSIDE RADIUS:	19'-4" MIN.
OUTSIDE RADIUS:	40'-10" MAX.
MEDIUM BOX / STRAIGHT TRUCK	
SIZE:	8'-0" x 30'-0" APPROX.
INSIDE RADIUS:	28'-4" MIN.
OUTSIDE RADIUS:	43'-6" MAX.



TREE IDENTIFICATION		
NO.	RADIUS	SPECIES
1	6'-0"	MAYTEN (<i>MAYTENUS BOARIA</i>)
2	6'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
3	5'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
4	5'-0"	JUNIPER, HOLLYWOOD (<i>JUNIPERUS CHINENSIS</i>) - TO BE REMOVED*
5	12'-0"	LONDON-PLANE (<i>PLATANUS ACERIFOLIA</i>)
6	10'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
7	8'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
8	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
9	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
10	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
11	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
12	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
13	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
14	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
15	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
16	4'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
17	5'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
18	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
19	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
20	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
21	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
22	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
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27	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
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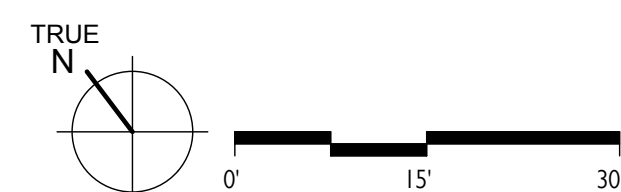
GRAPHIC LEGEND:

--- EXTENT OF GARAGE BELOW

A DIRECTION OF RENDERED PERSPECTIVE VIEW. SEE SHEETS A3.0x

- NOTES:**
1. THERE ARE NO OVERHEAD UTILITY LINES THAT IMPEDE ACCESS TO THE BUILDING FROM THE FIRE ACCESS ROAD.
 2. THE FIRE ACCESS ROAD EXCEEDS 26' IN WIDTH (IT IS APPROXIMATELY 40' WIDE).
 3. THE SIDE OF THE BUILDING FACING LOS ALTOS AVENUE IS MORE THAN 15' AND LESS THAN 30' FROM THE FIRE ACCESS ROAD.

PROJECTS HAVING A GROSS BUILDING AREA OF UP TO 124,000 SQUARE FEET MAY HAVE A SINGLE APPROVED FIRE APPARATUS ACCESS ROAD WHEN ALL BUILDINGS ARE EQUIPPED THROUGHOUT WITH APPROVED AUTOMATIC SPRINKLER SYSTEMS. THE BUILDING IS EQUIPPED WITH AN APPROVED SPRINKLER SYSTEM, AND THEREFORE ONE FIRE ACCESS ROAD IS REQUIRED.



















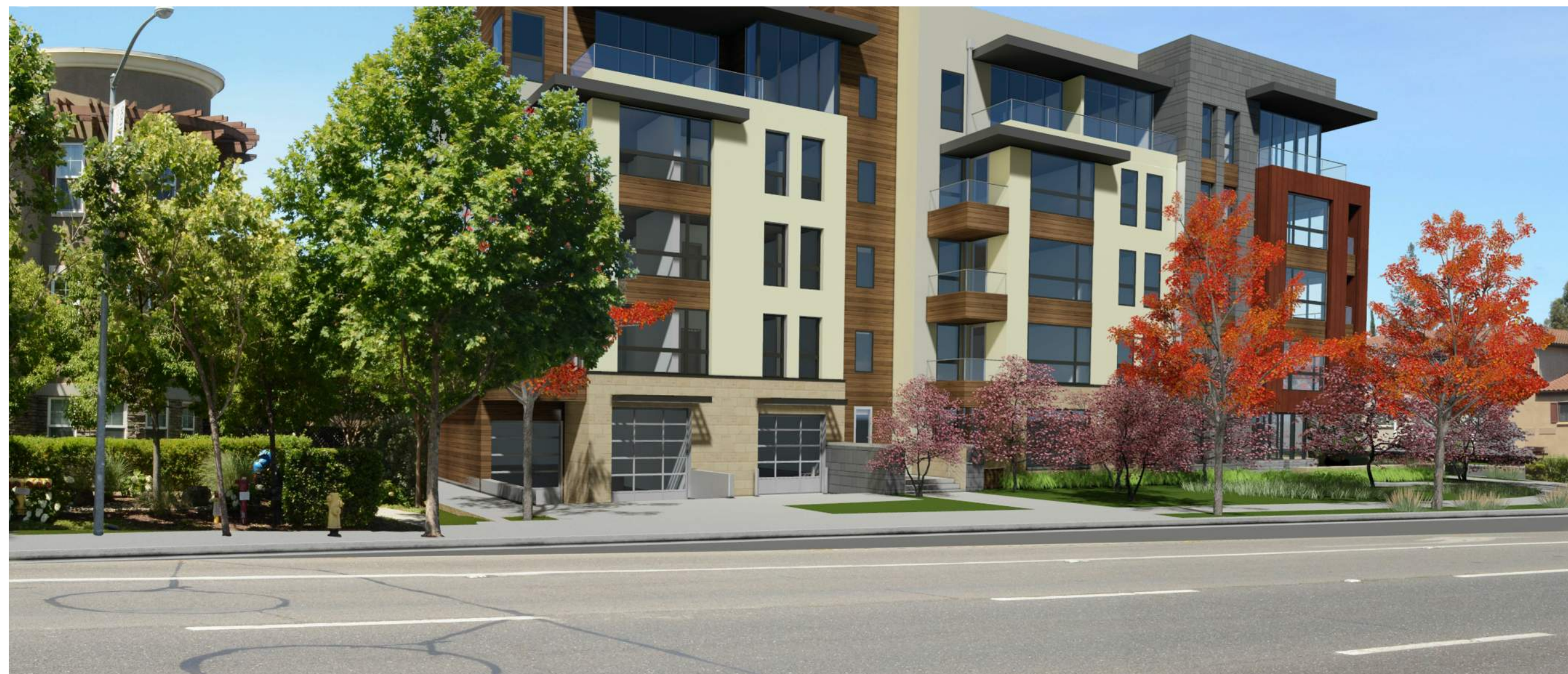
4350 EL CAMINO REAL



2A "4350_El_Camino_Northbound-from-sidewalk"



1A "4350_El_Camino_pano"



2B "4350_El_Camino_Northbound-from-sidewalk" photosimulation



1B "4350_El_Camino_pano" photosimulation



2A "4350_El-C-from-East_across-EIC"



1A "4350_E-C_Los-Los-Altos_Ave_near-corner"



2B "4350_El-C-from-East_across-EIC" photosimulation



1B "4350_E-C_Los-Los-Altos_Ave_near-corner" photosimulation



2A "4350_El--C_Los-Altos-Ave_close"



1A "4350_El-C_Los-Altos-Ave_distant"



2B "4350_El--C_Los-Altos-Ave_close" photosimulation



1B "4350_El-C_Los-Altos-Ave_distant" photosimulation

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, APRIL 14, 2020,
BEGINNING AT 7:00 P.M. HELD VIA VIDEO/TELECONFERENCE**

ESTABLISH QUORUM

PRESENT: Mayor Pepper, Vice Mayor Fligor, Councilmembers Bruins, Enander and Lee Eng

ABSENT: None

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

An email from Terri Couture was read into the record.

CONSENT CALENDAR

Upon a motion by Vice Mayor Fligor, seconded by Councilmember Lee Eng, the Council unanimously approved the Consent Calendar, as follows:

1. Council Minutes: Approved the minutes of the March 10, 2020 Regular Meeting and the March 17, 2020 Special Meeting, as revised to indicate that Mayor Pepper and Vice Mayor Fligor participated by video conference.

PUBLIC HEARING

2. Modification (MOD 20-001) Request for a waiver for an approved multi-family residential project at 4846/4856 El Camino Real: Adopt Resolution No. 2020-09 denying a request for additional waivers for a development project (modification) MOD 20-0001 at 4845/4856 El Camino Real (G. Periscone)

Planning Services Manager Periscone presented the report.

Mircea Voskerician and Ralph Strauss presented the application.

Public Comment: The following individuals provided public comments: Eric Steinle and Pierre Bedard.

The applicant provided a rebuttal.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Lee Eng, the Council adopted Resolution No. 2020-09 denying a request for additional waivers for a development project (modification) MOD 20-0001 at 4845/4856 El Camino Real, as modified by the City Attorney to remove the word “financially” from the 13th Whereas, by the following vote: AYES: Enander, Lee Eng and Pepper; NOES: Bruins and Fligor; ABSTAIN: None; ABSENT: None.

3. Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development: Adopt Resolution No. 2020-10 to grant or deny an exception from the City's Story Pole Policy to the proposed development at 4350 El Camino Real (S. Gallegos)

Mayor Pepper disclosed ex parte communications with Bart Hechtman, attorney for the applicant.

Associate Planner Gallegos presented the report.

Angie Galatolo and Bart Hechtman presented the application.

Public Comment: The following individuals provided public comments: Eric Steinle and Pierre Bedard.

Angie Galatolo provided the rebuttal.

Mayor Pepper recessed the meeting at 9:20 p.m. The meeting resumed at 9:28 p.m.

Action: Upon a motion by Vice Mayor Fligor, seconded by Councilmember Bruins, the Council unanimously continued consideration of the story pole exception request to a future date and appointed Councilmembers Enander and Lee Eng to a subcommittee to work with staff and the applicant on modifications to the exception request to best meet the intentions of the story pole policy and Council directions.

DISCUSSION ITEMS

4. Resolution No. 2020-04: North County Library Authority Joint Powers Agreement (JPA) Amendment: Adopt Resolution No. 2020-04 amending the North County Library Authority Joint Powers Agreement

City Manager Jordan presented the report.

Direction: The City Council directed the representatives to the North County Library Authority (NCLA) Board (Mayor Pepper and Vice Mayor Fligor) to propose changes to the agreement amendment based on Council feedback to clarify the language in the agreement.

5. Emergency Measures for Addressing COVID-19: Receive an update from the City Manager on measures taken thus far to address the spread of COVID-19

City Manager Jordan presented the report.

Public Comment: The following individuals provided public comment: Ruth Darlene, Dennis Young, Karen Scussel, Sue Russell, Roberta Phillips and Tom Myers.

Direction: The City Council directed staff to provide funds for emergency relief to Community Services Agency of Mountain View, Los Altos and Los Altos Hills, WomenSV and CHAC and to include funds in the mid-year budget review for potential small business relief.

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Enander reported that she and Councilmember Bruins are working with a group to ask the Governor to put a moratorium on State housing legislation.

Mayor Pepper reminded everyone to fill out the 2020 U.S. Census forms.

City Manager Jordan thanked City staff for the work being done under very stressful circumstances.

ADJOURNMENT

Mayor Pepper adjourned the meeting at 11:52 P.M.

Janis C. Pepper, MAYOR

Jon Maginot, CMC, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: April 14, 2020

Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Approval Resolution No. 2019-10
2. Denial Resolution No. 2019-10
3. Updated Story Pole Policy Exemption Request Letter
4. Updated Story Pole Letter from BFK Engineers
5. Alternative Story Pole Placement Plan
6. City Council Agenda Report, November 12, 2019

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019 and November 12, 2019

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a third request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern

Reviewed By:

City Manager

CJ

City Attorney

JH

Finance Director

SE



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.

- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.
- The Applicant's second story pole exception request was unanimously continued to a date uncertain by the City Council on November 12, 2019 with direction that the applicant work with staff and to return to the Council with 1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings that give the community an opportunity to view the project from neighboring properties, 3) a 3D animation model, and 4) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of the existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision applications for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The applicant submitted the original application, project plans and documentation for the design review, conditional use permit and subdivision applications in December 2018. On July 8, 2019, October 1, 2019, November 4, 2019 and December 30, 2019, the applicant resubmitted their application and project plans. The City responded with incomplete letters dated January 24, 2019,

February 11, 2019, August 6, 2019, August 13, 2019, October 17, 2019 and November 12, 2019. The City received a Story Pole Exception submittal on July 18, 2019, and the City provided an incompleteness email with a copy of the Story Pole Policy on July 18, 2019 and August 8, 2019. In addition, the City notified the applicant by email in April 2018, November 2018, June 2019 and July 2019 of the story pole requirements. The City's Story Pole requirement is set forth in the City's "Submittal Requirements Commercial or Multi-Family Design Review." This standard application form requires a Story Pole Plan as part of the project application materials and it was provided to the applicant as early as April 18, 2018, eight months prior to the first application being submitted.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

On November 12, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing gas station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with (1) options for the installation of story poles that identify the corners of the buildings and the bulk and mass of the structure, 2) photorealistic and human eye realistic renderings, and (3) increased community outreach to give the community an opportunity to view the project impact on the neighboring properties.

Application Process

Following the City Council's continuance of the Story Pole Exception Request application on November 12, 2019, staff communicated with the applicant and confirmed the direction from the City Council.

On December 18, 2020, staff received a revised story pole submittal from the applicant, which included updated photo renderings to be located on two billboards at the corner of El Camino Real and Los Altos Avenue, and an updated story pole letter.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

On January 13, 2020, staff provided an incompleteness letter to the applicant outlining the submittal did not comply with the submittal requirements and the City Council's direction from the November 12, 2019 meeting. Staff requested the applicant address the following:

1. The Story Pole plan shall be revised to be consistent with council direction, which required the installation of story poles to show the corners of the buildings and the bulk and mass of the structure to allow the community to view the project;
2. The Story Pole Plan shall be revised to show the story pole materials, installation details and structural requirements, and the applicant shall revise the story pole letter to provide evidence and additional analysis to support the conclusions in the letter;
3. The billboards shall provide photorealistic perspectives of the building form and give the community an opportunity to view the project from neighboring properties;
4. A 3D animation model shall be provided that shows the building massing from both a pedestrian level and from an aerial fly around. The animations should be posted online and a link to the animation shall be provided on each of the billboards placed on the site;
5. The applicant shall complete community outreach independent of the public outreach conducted by the City; and
6. The letter from Coastline Engineering and Development Group shall provide additional factual evidence to support their determination the story poles create an unnecessary life and safety risk.

On January 16, 2020, staff met with the applicant and reviewed the incompleteness letter. Staff requested the applicant address all items in the incompleteness letter. In order to provide increased clarification to the applicant regarding the story poles, staff scheduled a site visit with the applicant on February 18, 2020.

On February 18, 2020, staff met with the applicant at the project site. Staff walked the project site with the applicant and discussed the story pole locations necessary to respond to City Council direction. At the project site, the applicant agreed to consider adding new story poles, the installation of billboards oriented towards all property lines, the posting of a 3D animation model online for the public to view, and the completion of community outreach before the next City Council meeting.



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

On March 9, 2020, the applicant submitted a revised project plan submittal and proposed the following:

1. A story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
2. The installation of four billboards showing 3D images and building elevations, with one billboard at the corner of the property facing the intersection, one billboard facing Los Altos Avenue, one billboard facing toward the south, and one billboard facing toward the west.
3. A 3D animation model that shows the building massing from an aerial fly around. The animations will be posted online and a link to the animation would be provided on each of the billboards placed on the site.

As outlined in the Applicant's exemption request letter (Attachment 3) and BFK Engineer's letter (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and

impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant reviewed the story pole locations suggested by Councilmember Enander and explored the placement of story poles for the corner of the building. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this constraint, the Applicant does not believe it is feasible place all of the story poles in a way that meets the Story Pole Policy's requirements.

As further noted in the Applicant's request, the applicant did not complete public outreach prior to the City Council meeting.

The fundamental issue presented for Council's evaluation is whether there is a public health and/or safety concern associated with the obstruction of pathways and driveways of the service station or the potential failure of a story pole or guy wire, which could obstruct a public sidewalk or street, damage overhead utility lines or infrastructure, cause damage to personal property or result in



Subject: Resolution No. 2020-10: Story Pole Policy Exception Request for 4350 El Camino Real Development

personal injury to an individual using an adjacent public sidewalk or street, that justifies granting an exception from installing story poles per the Story Pole Policy. As noted by the Applicant, alternatives methods, including photo renderings on four billboards and the use of a 3D model, can provide the public with information to understand the project's height and massing, relationship to adjacent buildings and profile within the context in-lieu of physical story poles.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.

RESOLUTION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
GRANTING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY TO
THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL AND
MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review to erect story poles as part of the application and public review process (the "Story Pole Policy"); and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles in close proximity to drive aisles; and

WHEREAS, this action is exempt from CEQA each as a separate and independent basis, pursuant to CEQA Guidelines Section 15303 (new construction of small structures) and CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the action will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the applicant's request for an exception from the installation of story poles per the City's Story Pole Policy based on the following finding:

1. There is a public health and safety concern or impairment of the existing site or buildings due to the placement of the story poles and guy wires posing a threat of physical harm to users and a safety concern if a story pole or guy wire were to cause damage to personal property or result in personal injury to an individual attempting to access the site; and

2. Installation of story poles per the City's Story Pole Policy would impair the use of the structure on the site to the extent that operation of the existing gasoline service station would be infeasible.

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 14th day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janis Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING AN EXCEPTION FROM THE CITY'S STORY POLE POLICY FOR
THE PROPOSED DEVELOPMENT AT 4350 EL CAMINO REAL**

WHEREAS, the City Council adopted an Open Government Policy that included a requirement for all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review to erect story poles as part of the public review process; and

WHEREAS, the purpose of the Story Pole Policy is to help demonstrate for the public and decision-makers a proposed project's height, massing and profile in the context of the actual environment and provide a "visual notice" of the same; and

WHEREAS, the Story Pole Policy establishes specific, minimum objective standards and requirements for installation and duration of such poles' erection; and

WHEREAS, the City Council may grant exceptions to the Story Pole Policy due to a public health or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible; and

WHEREAS, by letters dated September 4, 2019, October 4, 2019, and February 3, 2020 the applicant for the proposed development at 4350 El Camino Real submitted a request for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the existing structures and site related to placement of story poles limiting access to the site; and

WHEREAS, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to warrant the granting of an exception as outlined in the Story Pole Policy; and

WHEREAS, this action is not subject to environmental review pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos, based upon the entire record before the Council, hereby denies the applicant's request for a partial exception from the City's Story Pole Policy based on the following findings:

1. There is insufficient evidence in the record to demonstrate that compliance with the Story Pole Policy's requirements for placement of story poles and guy wires would cause a public health or safety concern that warrants granting of an exception; and

2. There is insufficient evidence in the record to demonstrate that installation of story poles in accordance with the City's Story Pole Policy would impair the use of existing gasoline service station business on the site to the extent that it would be infeasible to operate and warrant the granting of the exception.

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 14th day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janis Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

February 3, 2020

City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

SUBJECT: STORY POLE EXEMPTION FOR 4350 EL CAMINO REAL

Dear Mayor Pepper, Vice Mayor Fligor and Council Members:

Thank you for the Council's November 12, 2019 review of our story pole exemption and for the suggestions provided to our architect in our unplanned absence. We also appreciated receiving from staff on November 20 a copy of a sketch showing Council Member Enander's suggestions for the story poles. This letter summarizes our response and continued revisions to our story pole proposal. Hopefully, with these last revisions and explanation we are able to receive the Council's support for our story pole exemption.

In response to the concerns we explored three major enhancements to the story pole proposal. First, we commissioned four photorealistic images to help explain the project in-lieu of providing additional story poles. Second, we reviewed the story pole locations generously suggested by Councilmember Enander with our consultant team and found that we cannot accommodate such a plan due to the dangerous and hazardous conditions and due to maintaining necessary business functions. Finally, we met with staff to determine ways we could expand our outreach including identifying additional locations for billboards, add three more perspective views of our proposed building to benefit the adjacent property owners, and provide a 3D computer model of the project for the public. In addition to explaining these additional enhancements in more detail below, this letter also expands our explanation of the on-site constraints.

Photorealistic Images

To help make up for the lack of story poles we commissioned photorealistic images of our project to accurately show the project in relation to the immediate surroundings. We created four photorealistic images, including two for El Camino Real and two for Los Altos Avenue, showing the project and surrounding buildings from each direction

along the street. These images will be included on our notification billboards and provided to staff to include on the City's project website.

Alternative Story Pole Locations

While we appreciate the Council's suggestion for story pole alternatives, our consultant team determined that we cannot safely provide story poles close to the street or on top of the canopies due to hazards related to the height, proximity, overhang heights and the general construction of the structures. According to our story pole engineer/contractor:

"Due to the current rainy season weather, heights of the story poles and close proximity to of the story poles to the public sidewalk and street, installation of the story poles per the City story pole policy on the subject site poses an unnecessary life and safety risk to the general public."

We are concerned about putting story poles on the canopies and/or the service building due to trucks regularly running into the building and fueling islands. We have had to repair the building and canopy many times in the past due to over-height trucks. Vehicles running into the building, islands and canopies creates a substantial risk to the safe installation any story poles located on such structures. Additionally, our story pole engineer/contractor said that he cannot guarantee over time the water tight story pole construction if located on the roofs. Water leaks are a significant safety problem for us due creating conflicts with the hazardous material cleanup methods, and meeting employee and public safety requirements from the state.

We are also concerned about installing a story pole in the landscape area adjacent the fuel truck loading area. The necessary guy wires for a story pole in this location spanning in three to four directions will interfere with and create a hazard for the large tanker trucks that deliver hazardous fuel every other day. In addition, locating an outlying pole beyond the footprint of our proposed building will exaggerate our project's massing and mislead the public about our project's impacts.

Just like we cannot locate story poles or their guy wires in conflict with our driveways and approaches to the fueling islands, we cannot locate story poles along the southern property line due to substantial interference with our business functions – *a legitimate finding when granting an exception consistent with the City's story pole*

policy. This area has the air pump that is required by law for customer use. More problematically, this area has our mandated parking area for disabled persons, which must remain fully accessible. We cannot relocate the existing handicapped parking area due to its carefully determined location by a third-party consultant required by the Oil Company, and as business owners, to address a recent lawsuit regarding the handicapped parking at our property. The existing location was determined as the necessary location to meet the many statutory requirements of the state-mandated parking and loading area; there are no alternative sites for it.

In addition, story poles and their associated guy wires spanning in three or four directions from each pole would interfere with necessary parking and staging area along the southerly property line. This area must remain open for staging vehicles and the frequent tow truck maneuvering and delivery of disabled vehicles supporting our vehicle repair facility. Finally, the southern yard has our storage structure and refuse area both of which must be regularly accessed by our staff and Mission Trail Waste. The story poles along the southern border would significantly interfere with the necessary business functions in this area.

We remain committed to – and our story pole engineer/contractor supports – providing two story poles on the eastern border of the site. While these poles would displace some of our parking we believe that we can provide these two poles safely and maintain nearby necessary business functions such as access to our propane tanks and site circulation. A benefit of showing the eastern end of the building is that it will provide a reference to the project's height and massing to El Camino Real and to the adjacent Peninsula Real building. The relative massing and setback shown on the eastern property line is similar in height and width to what would occur near the southern property line. To minimize the safety risk, however, we plan to limit the duration of the two story poles to approximately 30 days to allow for adequate public notice of the Planning Commission meeting, viewing by the Commissioners and staff to document the installation for the file.

As the property/business owners the overall potential for story pole failures raises a significant concern for us in terms of general liability as well as the risks to the safety of our customers, employees and to the public. We have seen that least four recent story pole installations in the City have some evidence of failure including at 4846-4856 El Camino Real, at 5150 El Camino Real, along First Street downtown and at Loyola Corners. It is not a matter of if – *it is a matter of when the story poles will fail.*

Enhanced Public Outreach

In addition to the aforementioned, photorealistic graphics we worked with staff to: (a) identify three more billboard locations for a total of four billboards, (b) provide three more perspective views of our project, and (c) provide our 3D model of the project to the City for public viewing. In addition to the billboard at the corner in the corner landscape island a second billboard will face Los Altos Avenue. A third and fourth billboard will face to the south and to the east toward the adjacent property providing perspectives of the building from those vantage points. Regarding the additional perspective drawings, we worked with our architect to provide three additional realistic perspectives of our project from the south and east for the unique benefit of the adjacent property owners at the Peninsula Real development.

We also note for the Council that we are in discussion with the President of the Peninsula Real Homeowners Association to resolve a reciprocal easement, which naturally leads to expanded and personal outreach for other project issues such as coordinated landscaping and other common concerns. In addition, we have been planning an outreach meeting with the surrounding property owners to ideally occur after the story poles are accomplished but prior to our Planning Commission hearing to give the owners benefit of the best available information. We are planning to have members of our consultant team available at our outreach meeting to help explain the project and address questions.

In summary, our revised story pole proposal includes the following elements:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;

Story Pole Exception

February 3, 2020

Page 5 of 5

- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Thank you for your reconsideration. We look forward to meeting with you to present our revised story pole proposal.

Sincerely,

Angela Galatolo
Owner/Applicant
4350 El Camino Real

Attachments:

Story Pole Plan
Council Member Story Pole Sketch
Architectural 3D Imagery
Photorealistic 3D Imagery
Statement from Story Pole Contractor

March 6, 2020

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gerry Houlihan

Mayor Jan Pepper and Members of the Los Altos City Council
Los Altos City Hall
One North San Antonio Road
Los Altos, CA 94122

Re: Story Pole Exception for 4350 El Camino Real

Dear Mayor Pepper and Members of the City Council:

This office represents El Camino 76, Inc., the owners of 4350 El Camino Real and the applicants for redevelopment of that property. I write today to urge you to approve the applicant's request for an exception to the story pole policy.

The City has adopted a story pole policy (the "Policy"), and there is no debate as to the value of story poles providing a perspective on the scale and to a lesser extent the massing of new development. However, the City's Policy explicitly recognizes that there are circumstances in which the benefits of providing that perspective are outweighed by other factors, and in particular health and safety concerns or disruption of existing onsite activities. The Policy also recognizes that where those circumstances arise, the City can require alternative methods to provide a perspective on the scale and massing of the proposed development.

In this instance, the existing use of the property is an extremely active gas station and mini-mart. I think it is a fair statement that the day and night traffic that occurs at this gas station (a net 1,010 daily trips according to the Hexagon report dated 6/19/18), by vehicles of all sizes weaving and winding to the gas pumps and store, and by large tanker trucks with difficulty in maneuvering, creates an extremely high level of traffic activity compared to other uses such as residential sites, office buildings or retail facilities, where story poles might be required. Indeed, it is much more common to see concrete bollards in strategic locations at gas stations to keep vehicles from running into equipment than on properties with other uses.

A "full" story pole installation would require a story pole at every building corner, to provide the truest perspective on mass and scale. The story pole plan submitted shows the two proposed story poles and all 48 building corners for the proposed building design. Viewing that plan, you do not need to have a graduate degree in safety to understand how installing even half of the 48 vertical 57' tall steel poles throughout such an active area, with the industry standard 6 to 9 guy wires encircling each pole in a diameter equal to the height of the pole, would make it impossible to drive through the gas station without striking one or more of these story pole improvements, causing part if not all of the story pole structure to fall. And because at a gas station people are frequently out of their cars but not inside a building (particularly at this location where there is significant cut-through pedestrian traffic), there is a greatly increased risk of personal injury from falling story poles. The only practical way to avoid the health and safety risks associated with a full set of story poles would be to shutter the gas station while the poles were up.

Safety and on-site impacts are the two alternate findings for the granting of an exception from the story pole requirement. It is clear here that these factors exist, and it is equally clear from the record that the City Council understands that. The Councilmembers' focus through the September 24, 2019 hearing and the November 12, 2019 hearing was on development of additional imagery to substitute for a full set of story poles in support of an exception to the Policy.

As detailed in the applicants' February 3 letter, they are now proposing the following measures to provide a representation of the massing and scale of their proposed development:

- A. Installation of two-story poles and associated nettings/flags representing the eastern wall of the proposed building;
- B. Four 3-dimensional images;
- C. Three perspective views;
- D. Installation of four billboards on site displaying the 3-dimensional images and perspective views; and
- E. A 3-D computer model of the project, to be accessible through the City's website.

Under the circumstances present here, where the story pole Policy requirements cannot be met without the owners choosing between unacceptable safety risks or closing their business, these combined measures are at least equivalent to and perhaps even superior to the actual installation of a full set of story poles in terms of providing the public with an understanding of the massing and scale of the proposed development. This satisfies the intent of the Policy.

For these reasons, along with those stated by the applicants before and at the upcoming hearing, we ask the City Council to grant the requested exception to the story pole Policy. We look forward to the April 14 hearing on this matter, to answering any questions you may have regarding the story poles and perhaps to getting a couple questions of our own answered: Why is it taking so long to determine that the project application is complete; and why is it taking so long to move forward with the CEQA process?

Very truly yours,



BARTON G. HECHTMAN

BGH:cab

cc: Angie Galatolo
City Clerk

TECHNICAL MEMORANDUM

Date: March 20, 2020

BKF Job Number: 20180481

Deliver To: City of Los Altos

From: Isaac Kontorovsky, PE

Subject: 4350 El Camino Real – Engineer’s Letter of Public Safety and On-site Conflicts

To Whom It May Concern,

The proposed project at 4350 El Camino Real consists of a new five-story 47-unit multiple-family building with two levels of underground parking. The project site is currently developed as a gas station (76) and located on the southeast corner of El Camino Real and Los Altos Avenue.

In accordance with City Council's Open Government Policy, adopted on March 24, 2015, and amended on August 22, 2017 and May 22, 2018, all multi-story commercial, multiple-family, mixed-use and public facility development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process.

Per the above mentioned story pole policy, the standard story pole installation at 4350 El Camino Real would entail approximately 20-60' tall steel poles. Each pole requires a concrete base as well as guy wires in 3 to 4 directions depending on their location. These guy wires would radiate out from the story pole at approximately 20'-30' from the base. Additionally, the distance between each story pole cannot be more than 35'.

The story poles would be installed during the remaining time of operation for the existing gas station. Due to the required spacing and guy wire locations the poles completely cut off access to the existing property if placed along the northeastern and northwestern frontage of the lot. Additionally, poles and their required guy wires would cutoff access to the ADA stalls and air station if placed along the southwestern side of the lot.

Per the traffic study, dated June 21 by Hexagon transportation Consultants and submitted to the city, a daily trip count of 921 was calculated. In our professional opinion, this large volume of in and out traffic poses a significant risk if poles and guy wires begin to block access. A situation would be created where automobiles must maneuver around pump stations, guy wires, poles and other cars for ingress and egress.

The story pole installer has also raised concerns over the poles, specifically in regards to their height and the potential hazard given the proximity to the public right of way. We agree that the issue is cause for concern if the project at 425 First Street is used as a case study. On this project a story pole failed under minimal wind loading. It should be noted that these poles were half the height the proposed

story poles on 4350 El Camino.

Furthermore, although complete underground service locating has not been completed we have concerns over any concrete base that would need to be placed given the hazardous and potentially dangerous nature of any utility conflicts with the required concrete bases.

Per the Los Altos Story pole policy, both criteria for an exemption have been met. To aid the citizens of Los Altos in understanding the development size and shape, the owner has proposed a thorough and detailed plan including:

- Installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. Such installation will remain for at least 30 days to allow for the City and public review, appropriate documentation, and to minimize the safety risk of story pole failure over time;
- Providing four photorealistic 3D images showing the project from opposite vantage points on both frontages;
- Providing three realistic perspective views of the project from the east and south vantage points;
- Installation of four billboards on-site: one at the corner of the property facing the intersection, one facing Los Altos Avenue, one facing south and one facing east. Each billboard will show photorealistic 3D images and realistic perspectives showing relative views of the proposed building from each location; and
- Providing a 3D computer model of the project to the City for public use.

Given the exemption criteria of "a public health and/or safety concern, or if such an installation would impair the use of existing structure(s) or the site to the extent it could not be occupied and the existing business and/or residential use would be infeasible" our recommendation is in line with the plan put forward by the owner listed above.

If there are any further questions please feel free to contact me.

Thank You,



Isaac Kontorovsky, PE
Vice President
BKF Engineers

4350 EL CAMINO REAL

LOS ALTOS, CALIFORNIA

STORY POLE EXCEPTION APPLICATION

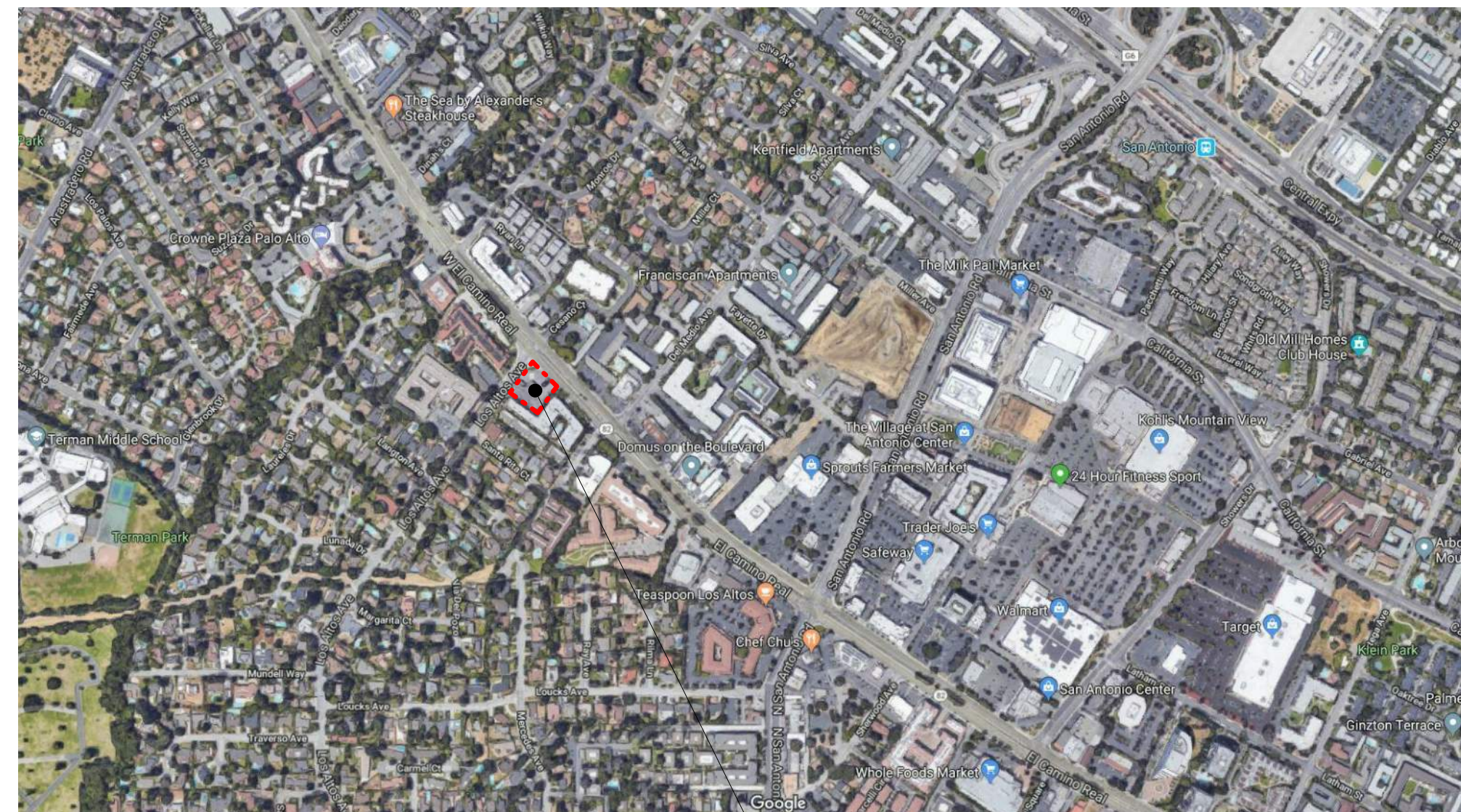
DRAWING INDEX:

- A0.0a COVER SHEET - STORY POLE
- STORY POLE DIAGRAM
- STORY POLE ELEVATIONS
- STORY POLE ELEVATIONS

- A1.0 SITE PLAN

- A3.0a PERSPECTIVE VIEW 1 @ EL CAMINO REAL + LOS ALTOS AVE.
- A3.0b PERSPECTIVE VIEW 2 FROM EAST ON EL CAMINO REAL
- A3.0c PERSPECTIVE VIEW 3 FROM SOUTH ON LOS ALTOS AVE.

- A3.0d COURTYARD RENDERED VIEW FROM EAST
- A3.0e COURTYARD RENDERED VIEW FROM SOUTH
- A3.0f RENDERED VIEW FROM WEST



PROJECT SITE



GRAPHIC LEGEND:

- ◆ PROPOSED STORY POLE LOCATION
- ▬ PROPOSED BILLBOARD
- ← VIEWABLE SIDE OF PROPOSED BILLBOARD
- ▨ PROPOSED BUILDING FOOTPRINT
- ← VEHICULAR SITE ACCESS
- PROPOSED CORNER OF BUILDING



STORY POLE LOS ALTOS AVE ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EL CAMINO REAL ELEVATION

APPROX. BILLBOARD LOCATION



STORY POLE EAST ELEVATION

APPROX. BILLBOARD LOCATION



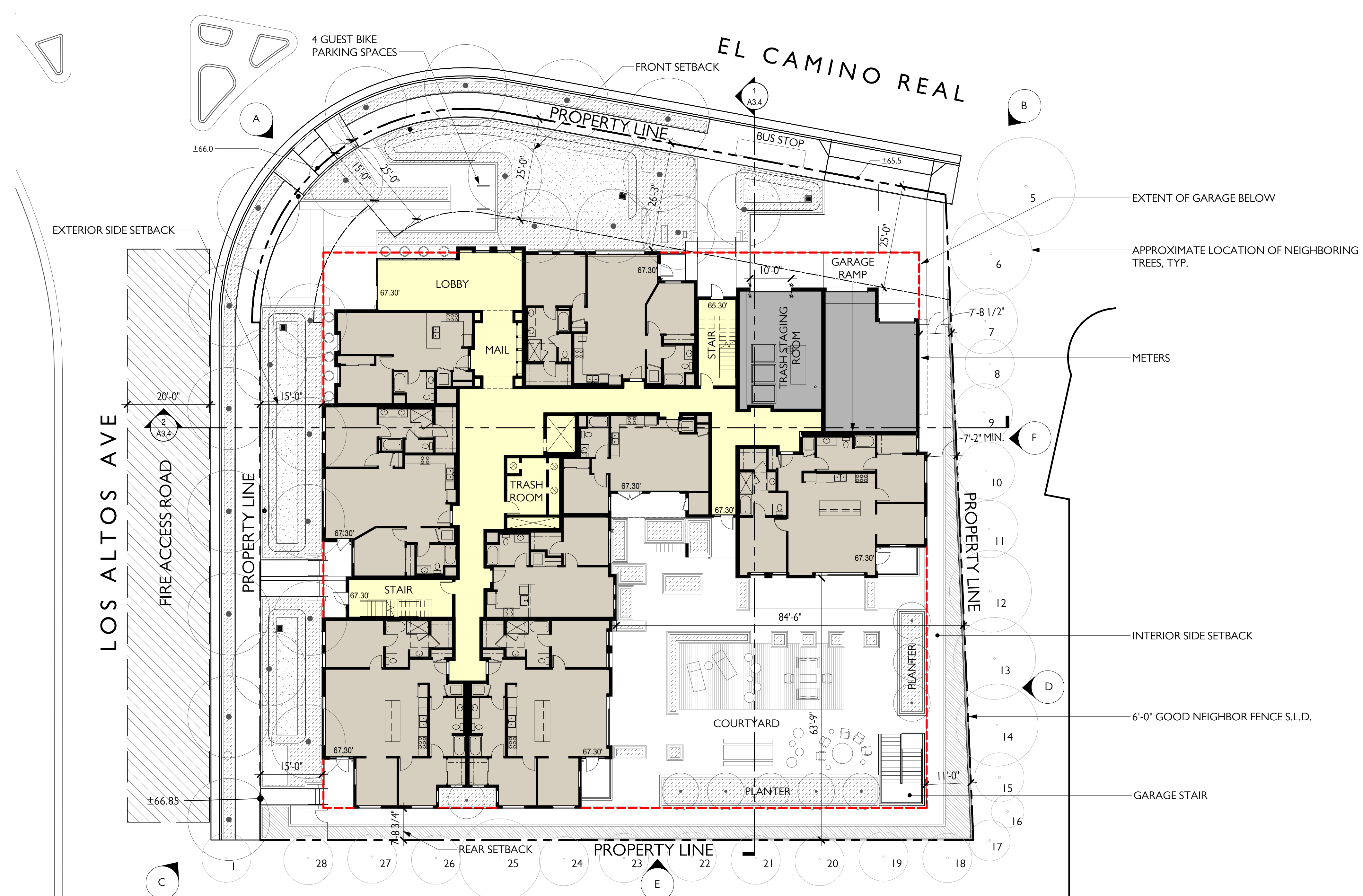
STORY POLE SOUTH ELEVATION

APPROX. BILLBOARD LOCATION

4350 EL CAMINO REAL

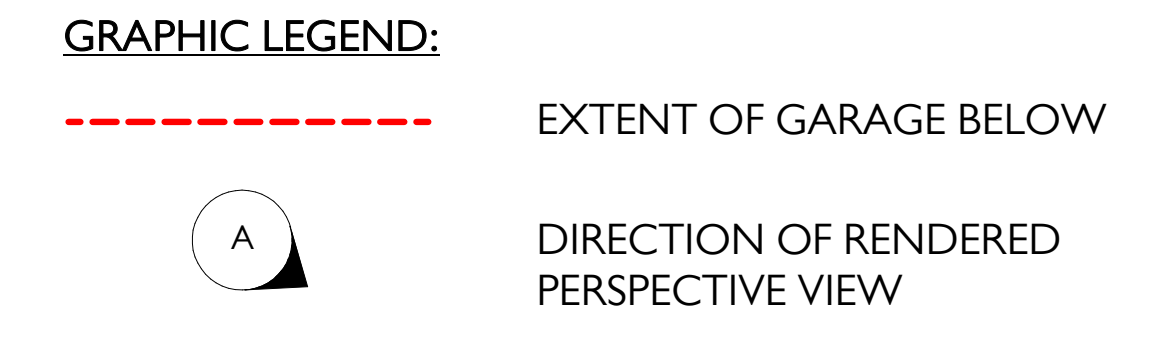
STORY POLE ELEVATIONS

STORY POLE ELEVATIONS
3/06/2020



TREE IDENTIFICATION

NO.	RADIUS	SPECIES
1	6'-0"	MAYTEN (<i>MAYTENUS BOARIA</i>)
5	12'-0"	LONDON-PLANE (<i>PLATANUS ACERIFOLIA</i>)
6	10'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
7	8'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
8	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
9	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
10	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
11	7'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
12	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
13	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
14	10'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
15	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
16	4'-0"	BRISBANE BOX (<i>LOPHOSTEMON CONFERTUS</i>)
17	5'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
18	6'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
19	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
20	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
21	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
22	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
23	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
24	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
25	10'-0"	PINE, CANARY ISLAND (<i>PINUS CANARIENSIS</i>)
26	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
27	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)
28	6'-0"	CRAPE MYRTLE (<i>LARGERSTOEMIA INDICA</i>)













4350 EL CAMINO REAL





**ITEMS FOR
DISCUSSION/ACTION**

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: November 12, 2019

Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Approval Resolution No. 2019-41
2. Denial Resolution No. 2019-41
3. Updated Story Pole Policy Exemption Request Letter, October 4, 2019
4. Story Pole Policy Exemption Request Letter, September 4, 2019
5. Alternative Story Pole Placement Plan

Initiated by:

Applicant

Previous Council Consideration:

September 24, 2019

Fiscal Impact:

None

Environmental Review:

Exempt pursuant to CEQA Guidelines Sections 15303 and/or 15061(b)(3).

Policy Question(s) for Council Consideration:

- Does the request for an exception from the installation of story poles meet the criteria outlined in the City's Story Pole Policy?

Summary:

- The Applicant for the development proposal at 4350 El Camino Real has submitted a second request to receive an exception from installing story poles per the City's Story Pole Policy due to 1) public health and safety concerns related to potential damage to personal property, potential for personal injury to an individual attempting to access the site, and 2) a concern that installation would impair the use of the existing structure and site to the extent that it would not be feasible to operate the existing gas station business.
- The Applicant's original story pole exception request was unanimously continued to a date uncertain by the City Council on September 24, 2019 with direction for the applicant to

City Manager

Reviewed By:

City Attorney

Finance Director

ATTACHMENT 6



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

Staff Recommendation:

Review and Determine Appropriate Action. The agenda packet contains alternative resolutions, either of which could form the basis for a City Council decision depending upon the findings and determinations of the City Council based upon the evidence presented. Specifically, a Resolution that contains draft findings to support the granting of the story pole exception request is included as Attachment 1 and a Resolution that contains draft findings to support the denial of the story pole exception request is included as Attachment 2.

Purpose

Consider a request from the Applicant of the development proposal at 4350 El Camino Real for an exception from the City's Story Pole Policy due to public health and safety concerns and impairment of the use of existing gas station on the site.

Background

The Applicant has submitted a design review, conditional use permit and subdivision application for a five-story multiple-family residential building with 47 units located at 4350 El Camino Real. As discussed below, the Applicant is currently seeking an exception from the City's Story Pole Policy to meet the notification requirements established under the City Council's Open Government Policy as necessary to enable the application to proceed for consideration by the Planning Commission and the City Council.

The City Council adopted an Open Government Policy on March 24, 2015, that included a requirement that all commercial, multiple-family and mixed-use development projects subject to Planning Commission and City Council review must have story poles erected as part of the application process. On August 22, 2017, the City Council amended the Story Pole Policy to require that any exceptions to the Policy must be reviewed and approved by the Council. The criteria for reviewing and approving an exception is as follows:

1. The City Council may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern; or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

2. The Story Pole Plan may be limited in scope at the discretion of the City Council. In such cases such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.

On September 24, 2019, the City Council considered an exception request from the City's Story Pole Policy from the Applicant for the proposed development at 4350 El Camino Real. The request sought a partial exemption for the placement of story poles due to safety concerns and impairment of the use of the existing service station on the site. Following a presentation by the Applicant and Council questions and deliberations, the Council voted unanimously to continue the exemption request to a date uncertain, and directed the applicant to work with staff and to return to the Council with options for the installation of story poles or other alternatives on the project site to give the community an opportunity to view the project impact on the neighboring properties.

The applicant is proposing the following:

- An alternative story pole placement plan (Attachment 5) showing the installation of two, 57-foot 4-1/4-inch tall story poles representing the eastern wall of the building with netting or string and flags connecting the poles to define the height. The associated guy wires would displace several parking spaces along the eastern property line.
- The installation of two billboards at the corner of the property facing the intersection showing 3D images and building elevations.

Discussion/Analysis

As specified in the City's Story Pole Policy, story poles must be installed at least 20 days before the first public hearing before the Planning Commission and shall remain in place until final action has been taken by the City Council. Accordingly, the City Council must render its decision on the exception request before the Planning Commission can consider the project.

As outlined in the Applicant's original request (Attachment 4), an exception from the Story Pole Policy is requested due to public health and safety concerns related to placing story poles adjacent to drive aisles required for vehicles access and impairment of the use of the existing gasoline service station, including the convenience market and auto repair shop on the site. The applicant emphasizes the site is an active gasoline service station, the surrounding vehicle aisles, driveways and pump islands need to be kept open and accessible in order to serve the building. As a result of this



Subject: Story Pole Policy Exception Request for 4350 El Camino Real Development

constraint, the Applicant does not believe it is feasible to place all of the story poles in a way that meets the Story Pole Policy's requirements.

Based upon the record before the City, including the evidence provided and considered at the public proceedings on the item, the City Council needs to determine whether there is sufficient evidence to warrant the granting of an exception due to public health and/or safety concern associated with placing story poles adjacent to drive aisles and driveways, and if the placement of story poles would impair the use of the existing service station business to the extent that operating the business would be infeasible.

Options

- 1) Approve the story pole exception request per the Resolution contained in Attachment 1.

Advantages: To be determined by the City Council based upon the evidence presented.

Disadvantages: To be determined by the City Council based upon the evidence presented.

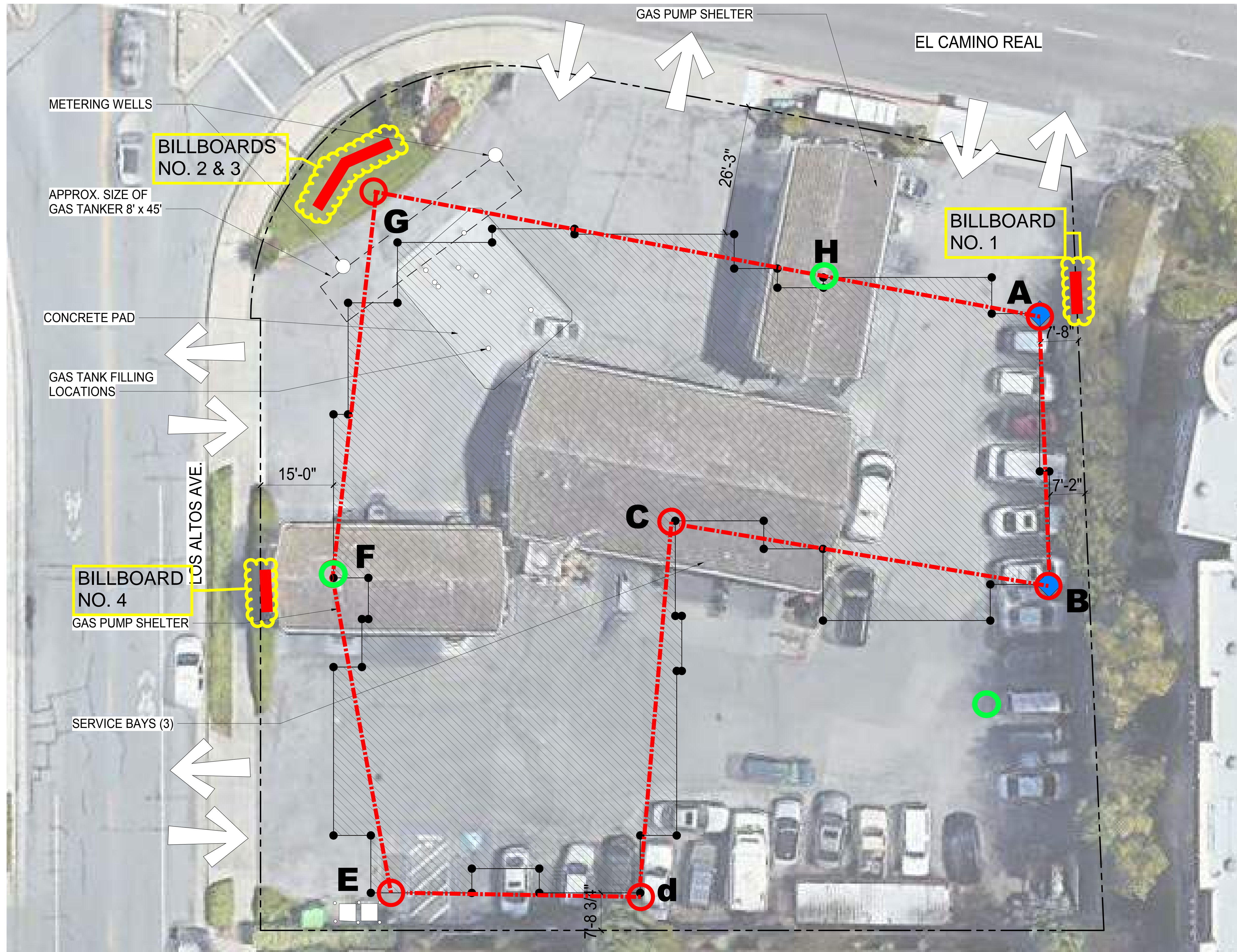
- 2) Deny the story pole exception request per the Resolution contained in Attachment 2.

Advantages: To be determined by the City Council based upon the evidence presented.

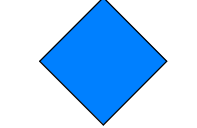
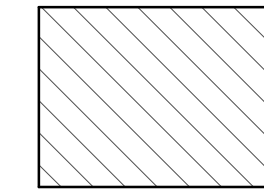
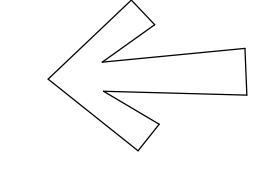


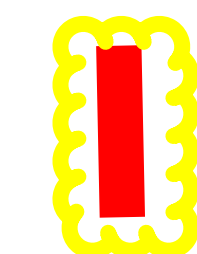
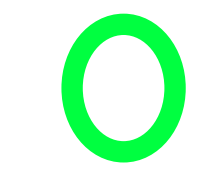
Disadvantages: To be determined by the City Council based upon the evidence presented

Recommendation

Review request and take appropriate action based upon the Council's review and deliberation of the evidence in the record.



GRAPHIC LEGEND:

-  PROPOSED STORY POLE LOCATION
-  PROPOSED BUILDING FOOTPRINT
-  VEHICULAR SITE ACCESS
-  PROPOSED CORNER OF BUILDING
-  STORY POLE LOCATIONS
-  BILLBOARD LOCATIONS
-  BALLOON LOCATIONS



4350_El_Camino_Northbound-from-sidewalk



4350_El_Camino_pano



4350_EI-C_from-East_across-EIC



4350_EI-C_Los-Altos-Ave_close



4350_EI-C_Los-Altos-Ave_distant



4350_EI-C_Los-Altos-Ave_near-corner

From: [JJ Desh](#)
To: [Jon Biggs](#); [Sean Gallegos](#)
Subject: 4350 El Camino Real Los Altos: January 26th 2021 Agenda: Story Poles
Date: Saturday, January 9, 2021 4:36:44 PM

Dear Director Biggs and Mr. Gallegos,

I have been following this project development On/Off for about two years and I can only tell that the applicant is absolutely clueless and/or ignoring city requirements since they wasted so much of the city council and planning department time on obtaining a waiver for the required story pole installation. As a Los Altos resident and residing nearby the property I would certainly want to see the massing of this building that will be there for the next 100 years. Applicant is trying to pursue City Council Members on every single angle possible not to do so.

I am appealing to the entire city council to ensure that this development like all the others has the proper City Code Story Poles installation as we saw up and down on El Camino Real at 5150, 4880, 4898, 4856 and Downtown 1st and Main St Los Altos that helped us visualize the massing of the building. Applicant is invoking different reasons like " I am shutting down my business if I have to install story poles" or "it is impractical". All other developments on El Camino Real presented their Story Pole installation with some small adjustments but not a Full Waiver of full installation which is certainly not acceptable. As I understand that the applicant is also a Los Altos resident so they should respect city requirements evenmore and not try to avoid them and waste more city council time with several attempts to get out of providing Los Altos residents a full story poles installation. I remember that Council Members Lee Eng and Enander precisely supported residents on their right to properly visualize and evaluate the heights and massing of future developments prior to city council meetings.

In the light of the last two years developments I am urging you to deny the request of a full waiver and if necessary have the applicant to partially or fully shut down the site operations for the time the project will go through planning and city council review it is a small price to pay and should be mandate it, versus applicants future exponential profits.

Please ensure my public comment reaches city council members. I will also do my best to call in on Jan 26th 2021.

Regards,

JJ

From: JJ Desh [REDACTED]
Sent: Saturday, January 16, 2021 9:52 AM
To: Sean Gallegos <sgallegos@losaltosca.gov>
Cc: Jon Biggs <jbiggs@losaltosca.gov>; Guido Persicone <gpersicone@losaltosca.gov>
Subject: Re: 4350 El Camino Real Los Altos: January 26th 2021 Agenda: Story Poles-Follow up after review

Dear Director Biggs and Mr. Gallegos,

I had the chance to review the agenda packet for the story poles and applicants proposal. Clearly now, it is revealed to me that this applicant is getting a special treatment from all the other developments and I am wondering why? in this day in age that is called discrimination, favoritism and unfair advantage against other city applicants and it is totally unacceptable. All applicants should all be held responsible at the same city standards. I will submit my complaint to Los Altos Town Crier to investigate this. Same city council member Enander and Lee Eng denied story pole exemption on using 3D simulation and billboards on other projects just in the last two years, including 5150 El Camino Real and at least one in downtown as I recall and all of those had close by power lines and the developer figured them out. I clearly remember all those development sites had also been fenced off totally or partially while the story poles were up and here councilmembers are taking an unusual stand. Why is this applicant getting special treatment? Because the applicant waisted 1.5 years on several city council meetings and staff time trying to circumvent story pole city requirements?

All city council members have the obligation to reveal to the public their relationship to this applicant on Jan 26th and if the applicant had any contributions to their reelection campaign they should recuse themselves from being involved in any final decisions. I always like to submit my comments through the proper channels, so please pass along my message to the council. I am very disappointed and shocked.

Regards,

JJ

On Mon, Jan 11, 2021 at 4:45 PM Sean Gallegos <sgallegos@losaltosca.gov> wrote:

JJ,

Thank you for your correspondence. City staff will forward your comments to the City Council.

Thank you,

Sean Gallegos

Associate Planner

From: JJ Desh [REDACTED] >
Sent: Saturday, January 9, 2021 4:36 PM
To: Jon Biggs <jbiggs@losaltosca.gov>; Sean Gallegos <sgallegos@losaltosca.gov>
Subject: 4350 El Camino Real Los Altos: January 26th 2021 Agenda: Story Poles

Dear Director Biggs and Mr. Gallegos,

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Please ensure my public comment reaches city council members. I will also do my best to call in on Jan 26th 2021.

Regards,

JJ



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: January 26, 2021

Subject: Emergency Measures for Addressing COVID-19: Receive an update from the Acting City Manager and provide direction on additional potential measures to address COVID-19 (J. Maginot)

PRESENTATION TO BE MADE AT MEETING

City Manager

CJ

Reviewed By:

City Attorney

JH

Finance Director

SE



DISCUSSION ITEM

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: January 26, 2021

Subject: Resolution 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

Prepared by: Marcie Scott, NCLA Commission Liaison
Neysa Fligor, Vice President, NCLA Commission

Attachment(s):

1. Resolution No. 2021-05
2. North County Library Authority Joint Exercise of Powers Agreement

Initiated by:

North County Library Authority

Previous Council Consideration:

Council considered this item on April 14, 2020 and gave direction to the NCLA Los Altos City Council Commission Members

Fiscal Impact:

Los Altos will no longer be responsible for paying for consultants hired by NCLA to provide administrative support services to NCLA.

Environmental Review:

Not Applicable

Policy Question for Council Consideration:

- Does the City Council wish to approve this amendment to the JPA that will allow NCLA to pay for certain administrative support services?

Summary:

- The City of Los Altos and Town of Los Altos Hills are the two member entities which formed the JPA in 1985. The NCLA oversees parcel tax funds to support library services for the community.
- The NCLA requires administrative support in order to meet statutory requirements, including the Brown Act.
- The original JPA language states the two member entities will split specific expenses while the City of Los Altos will provide staff and basic support to the JPA.
- Section 18 of the JPA Agreement states that the Agreement may be amended, from time to time, by unanimous action of the member entities.

Reviewed By:

City Manager

JM

City Attorney

JH

Finance Director

SE



Subject: Resolution No. 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

-
- The NCLA Commission discussed and recommended amending the JPA such that NCLA will pay the cost of consultants hired by NCLA to provide administrative support services using NCLA funds.
 - The Town of Los Altos Hills City Council (the other member entity in this JPA) approved the First Amendment to the JPA.
 - The City of Los Altos City Council is being asked to approve this First Amendment to the JPA.

Recommended Motion:

Move to approve Resolution No. 2021-05, amending the North County Library Authority Joint Exercise of Powers Agreement.



Subject: Resolution No. 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

Purpose

The North County Library Authority (NCLA) requests the Council approve an amendment to the JPA to allow for certain expenses incurred by NCLA to be paid using NCLA funds and not by the Cities of Los Altos and Los Altos Hills. NCLA requires administrative support to achieve its mission of supporting the Los Altos libraries and to meet statutory requirements, including the Brown Act.

Background:

In 1985, the Town of Los Altos Hills and City of Los Altos formed a Joint Powers Agreement (JPA) as a means to provide additional support for libraries in Los Altos. Section 12 of the JPA states in certain parts:

“The City of Los Altos shall provide staff and basic services at no cost to the Agency. All costs and expenses of an outside nature such as auditing, legal, consultants or the like, shall be apportioned equally among the Member Entities.”

The City of Los Altos has had its staff provide administrative support to the NCLA, and more recently, a consultant was hired to provide some of this administrative support directly to NCLA. NCLA now wishes to amend Section 12 of the JPA with the following language, which authorizes NCLA to pay consultants hired by NCLA to provide administrative support services:

“If Agency Commission chooses by majority vote to hire a consultant or consultants solely for administrative support to serve the Agency, those costs shall be paid for with the Agency’s Operating Fund funded from a special tax or any other lawful revenue sources. Neither Member Entity shall be obligated to pay for such support staff out of its General Fund.”

The Los Altos Hills Town Council approved amending the JPA with the language provided above. On April 14, 2020, the Los Altos City Council was asked to approve amending the JPA to add the same language. Instead of approving the amendment, the Council gave direction to the Los Altos NCLA Commission Members to further clarify the role of Los Altos City staff considering the proposed amendment. Based on that direction, the Los Altos NCLA Commission Members brought language to the NCLA Commission for review and approval. Majority of the NCLA Commission Members had concerns about the revised language because the scope was broader than the intent of the originally proposed language. Additionally, the Los Altos Hills Town Council had already approved the original amendment language.

The main purpose of the proposed amendment is to allow NCLA to use its own funds to pay a consultant to provide administrative support services, and the language drafted by the NCLA Commission and approved by Los Altos Hills accomplishes that. The roles of each Member Agency



Subject: Resolution No. 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

related to staffing and basic services would be better handled at a future date and under a separately agenda item.

Recommendation:

The NCLA Commission requests the Council approve Resolution No. 2021-05, approving the First Amendment to the NCLA Joint Powers Agreement.

ATTACHMENT 1

RESOLUTION NO. 2021-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING THE FIRST AMENDMENT TO THE NORTH COUNTY
LIBRARY AUTHORITY JOINT POWERS AGREEMENT**

WHEREAS, the city of Los Altos and the Town of Los Altos Hills are both members of the North County Library Authority (NCLA) JPA since 1985; and

WHEREAS, the board of NCLA has determined that an amendment to the JPA is necessary to properly allocate expenses of NCLA; and

WHEREAS, the amendment at Attachment A would allow NCLA to pay directly for consultants and other special services approved by the NCLA Board;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the First Amendment to the North County Library Authority Joint Powers Agreement at Attachment A and authorizes the Mayor to sign the Amendment.

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 ____ day of ____, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

**FIRST AMENDMENT TO THE JOINT POWERS AGREEMENT OF
NORTH COUNTY LIBRARY AUTHORITY**

This First Amendment to the Joint Powers Agreement (“First Amendment”) is made and entered into on the 13th day of January, 2020, by and between the City of Los Altos, a municipal corporation and the Town of Los Altos, a municipal corporation, both situated in the County of Santa Clara, State of California (collectively the “Parties”).

RECITALS

WHEREAS, on August 1, 1985, the City of Los Altos and the Town of Los Altos Hills, both located in Santa Clara County, entered into a Joint Powers Agreement (the “JPA”) to form the North County Library Authority (the “Agency”); and

WHEREAS, pursuant to Government Code sections 6500 *et seq.*, the parties to the JPA desire to amend the JPA to provide clarifying language changes with regard to the use of Agency funds.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

1. Section 12. “Bonding Persons Having Access to Property” is hereby amended as follows:

“Section 12. Bonding Persons Having Access to Property. Officers or person or persons who have charge of, handle or have access to any money of the Agency, shall be required to file an official bond with the Agency in such amount as may be established by the Commission. Should an existing bond of any said officer or officers or person or persons be extended to cover the obligation provided herein, said bond shall be the official bond of said officers or officer or person or persons required to be posted herein. The premium of any such bond or bonds shall be an appropriate expense of the Agency. Any payment to the treasurer or auditor-controller required in the operation of the Agency shall be an appropriate charge against the Agency.

The Administrative Officer shall have the responsibility of any and all property of Agency and shall indicate approval of all claims and demands for the disbursement of Agency funds prior to submittal of said claims and demands to the Commission for approval.

The City of Los Altos shall provide staff and basic services at no cost to the Agency. All costs and expenses of an outside nature such as auditing, legal, consultants or the like, shall be apportioned equally among the Member Entities.

ATTACHMENT 2

If Agency Commission chooses by majority vote to hire a consultant or consultants solely for administrative support to serve the Agency, those costs shall be paid for with the Agency's Operating Fund funded from a special tax or any other lawful revenue sources. Neither Member Entity shall be obligated to pay for such support staff out of its General Fund.

Section 5: This amendment is effective July 1, 2019.

Section 6: All other provisions and terms of the JPA are to remain unchanged.

Section 7: Counterparts. This Amendment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. If this Amendment is executed in counterparts, no signatory hereto shall be bound until all the parties named below have duly executed, or caused to be duly executed, a counterpart of this Amendment by an authorized signatory.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

ATTACHMENT 2

ATTEST:

City Clerk
City of Los Altos

City of Los Altos

By: _____

By _____
Mayor

Dated: _____

ATTEST:

Town Clerk
Town of Los Altos Hills

Town of Los Altos Hills

By: _____

By _____
Mayor

Dated: _____



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: January 19, 2021
TO: Los Altos City Council
FROM: Andy Galea, Chief of Police
SUBJECT: ENCRYPTION OF POLICE RADIOS


The Los Altos Police Department is authorized by the California Department of Justice (CA DOJ) to access CLETS, which stands for the California Law Enforcement Telecommunications System. This is a computer network that provides law enforcement and criminal justice agencies with access to a variety of databases that contain data such as a person's identification information, criminal history, criminal record, and driving record information. One way that officers access CLETS is by using our police radio system called SVRIA (Silicon Valley Regional Interoperability Authority). This is the shared digital radio system that every police and fire department use in Santa Clara County. An example of how the police department uses this system would be when an officer makes a traffic stop and needs to verify that the driver has a valid license and is not wanted. To accomplish this, the officer provides personally identifiable information (PII), most often from a driver's license, over the radio to the emergency communication dispatchers so they can verify this information in the system (CLETS). Currently the main radio channel is not encrypted and anyone with a commercial scanner or a smartphone scanning app can listen and take down this information.

In October of 2020, the California Department of Justice notified every police department in the State of a policy update that mandates the transmission of sensitive personally identifiable information (PII) be encrypted. The Department of Justice memo is attached as a reference. The purpose of the mandate is to protect the privacy and identity of any person whose information is broadcast over a police radio frequency. The encryption requirement is to not only prevent potential identity theft, but also to give privacy to victims of crime. Police Department staff evaluated potential options to avoid the encryption mandate but found no viable options. Using a separate encrypted radio channel to conduct check criminal history poses safety concerns as that would require additional staffing in the communications center to monitor the additional radio channel. We currently do not have the staffing for this to take place.

Currently, all police departments have made the switch to encrypted radio channels with the exception of Milpitas, Mountain View, Santa Clara, and Los Altos. Plans are being made to join the Mountain View Police Department in the switch to an encrypted main channel in March of this year. Every police department will be switched over to an encrypted radio channel this year.

In recent news reports there have been concerns expressed about the encryption of police radios and how this change would limit news media or community members' access to police activity. I certainly understand the concerns expressed by those who would lose access to our main radio channel. The Los Altos Police Department has embraced social media to keep the community up-to-date and provides tools for community members to keep informed about crime and events. We utilize several social platforms such as Twitter, Facebook, Nextdoor, and AlertSCC. We typically utilize Twitter to keep media outlets informed of events or press releases. Media and community members can track crime information in the city at CityProtect.com. Most media inquiries received by the police department are from information obtained from CityProtect.com. In addition to the City of Los Altos Public Information Officer Sonia Lee, the police department administration or on duty supervisors are available to provide information to the media 24/7.

The Los Altos Police Department is prepared to communicate the transition to an encrypted main radio channel weeks in advance of the change.

<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief</p>		<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Confidentiality of Information from the California Law Enforcement Telecommunications System (CLETS)</p>	<p><i>No.</i> 20-09-CJIS</p> <p><i>Date:</i> 10-12-2020</p>	<p><i>Contact for information:</i> CLETS Administration Section CAS@doj.ca.gov (916) 210-4240</p>	

TO: ALL CLETS SUBSCRIBING AGENCIES

Law enforcement and criminal justice agencies authorized by the California Department of Justice (CA DOJ) to access the CLETS must adhere to the requirements detailed in the CLETS Policies, Practices and Procedures (PPP) and in the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy to ensure the confidentiality and integrity of the data therein.¹ More specifically, and as detailed further below, access to certain Criminal Justice Information (CJI) and Personally Identifiable Information (PII) must be limited to authorized personnel; and the transmission of such information must be encrypted. Although generally applicable, the information in this bulletin is particularly relevant to the radio transmission of protected data.

Allowable “access” to CJI and PII, derived from CLETS, is described in CLETS PPP section 1.6.4:

Only authorized law enforcement, criminal justice personnel or their lawfully authorized designees may use a CLETS terminal or have access to information derived from CLETS. Any information from the CLETS is confidential and for official use only. Access is defined as the ability to hear or view any information provided through the CLETS.

The FBI and the CA DOJ establish policies and procedures related to the usage and protection of CJI that govern the usage of the CLETS. The policies define CJI, classify them as restricted or unrestricted, and limit the amount and types of information that can be broadcast over unencrypted radio channels in order to protect sensitive CJI and PII.

Generally, PII is information that can be used to distinguish or trace an individual’s identity, such as an individual’s first name, or first initial, and last name in combination with any one or more specific data elements (see FBI CJIS Security Policy section 4.3.). Data elements include Social Security number, passport number, military identification (ID) number and other unique ID numbers issued on a government document. The most common data elements encountered during field operations include a driver license number or ID number.

The transmission of sensitive CJI and PII must be encrypted pursuant to the FBI CJIS Security Policy sections 5.10 and 5.13; and access may only be provided to authorized individuals as defined under the CLETS PPP and the FBI CJIS Security Policy.

¹ For reference, please refer to the CLETS PPP at <https://oag.ca.gov/sites/default/files/clets-ppp%2012-2019.pdf> and the FBI CJIS Security Policy at https://www.fbi.gov/file-repository/cjis_security_policy_v5-9_20200601.pdf/view. See also Government Code section 15150 et seq. and California Code of Regulations, title 11, section 703.

Compliance with these requirements can be achieved using any of the following:

- Encryption of radio traffic pursuant to FBI CJIS Security Policy sections 5.10.1.2, 5.10.1.2.1, and 5.13.1. This will provide the ability to securely broadcast all CJI (both restricted and unrestricted information) and all combinations of PII.
- Establish policy to restrict dissemination of specific information that would provide for the protection of restricted CJI database information and combinations of name and other data elements that meet the definition of PII. This will provide for the protection of CJI and PII while allowing for radio traffic with the information necessary to provide public safety.

If your agency is not currently in compliance with the requirements outlined herein, please submit an implementation plan to the CA DOJ, CLETS Administration Section, no later than December 31, 2020. The plan must be on agency letterhead and signed by the Agency Head (e.g., Sheriff, Chief); include a detailed description of how radio communications will be brought into compliance (e.g., encryption), or how the risks will be mitigated through policy if unable to implement the required technology; and must include the projected timeline as to when the issue will be resolved.

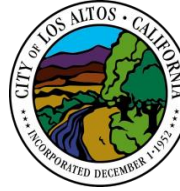
For questions about this bulletin, contact the CLETS Administration Section at CAS@doj.ca.gov or (916) 210-4240.

Sincerely,



JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General



City of Los Altos Tentative Council Agenda Calendar
 As of January 15, 2021

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion/Action - note in red if Public Hearing)	Department
February 9, 2021	REGULAR COUNCIL MEETING		
	Hillview Off Leash Pilot Program Ord.		
	Resolution No. 2021-XX: Adopt Resolution No. 2021-XX Accepting Completion of the Fiscal Year 2019/20 Annual Street Resurfacing Project, TS-01001	CC	ES
	Contract Award for the design of the Annual Sewer Main Repair Project on First Street	CC	ES
	<u>Final Map Approval</u> : Approve the Final Map for Tract Map #____, 831 Arroyo Road	CC	ES
	<u>Final Map Approval</u> : Approve the Final Map for Tract Map #____, 450 1st St. Final Map	CC	ES
	EOC Design Review/Update	(DISCUSSION)	ES
	Project Acceptance for Cuesta Drive Traffic Calming Project TS01022	CC	ES
	Ordinance 2020-XXX – First Reading of Amending Los Altos Municipal Code Adding Chapter 9.04.120, “STREET CUT MORATORIUM ON NEWLY PAVED STREETS”	Public Hearing?	ES
	Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing*	
February 2, 2021	JOINT WITH COMMISSION (makeup from cancelled fall meeting)		
	<ol style="list-style-type: none"> 1. Design Review 2. Financial Commission 3. Historical Commission 4. Library Commission 		

	5. Planning Commission 6. Public Arts Commission Not necessarily in the above order		
February 23, 2021	REGULAR COUNCIL MEETING		
	Mid Year report		
	Community Center Construction Monthly Update	Informational Item	
	Ordinance 2020-XXX – Second Reading of Amending Los Altos Municipal Code Adding Chapter 9.04.120, “STREET CUT MORATORIUM ON NEWLY PAVED STREETS”	CC	ES
	Construction Contract Award: Annual Street Striping Project TS01003	CC	ES
March 2, 2021	SPECIAL MEETING – COMMISSION INTERVIEWS		
March 9, 2021	REGULAR COUNCIL MEETING		
March 23, 2021	REGULAR COUNCIL MEETING		
	Halsey House		
	Community Center Construction Monthly Update	Informational Item	
April 13, 2021	REGULAR COUNCIL MEETING		
	Construction Contract Award: Fremont Avenue Pavement Rehabilitation Project, TS-01056 (4/13/21- tentative)	CC	ES
	Construction Contract Award: Annual Street Resurfacing and Slurry Projects, TS-01001 and TS-01004 (4/13/21- tentative)	CC	ES
April 27, 2021	REGULAR COUNCIL MEETING		
	Community Center Construction Monthly Update	Informational Item	
	Resolution No. 2021-XX: Adopt Resolution No. 2021-XX Accepting Completion of the El Monte Sidewalk Gap Closure Project, TS-01038, and authorize the Engineering Services Director to record a Notice of Completion as required by law	CC	ES
May 4, 2021	JOINT MEETINGS WITH COMMISSIONS		
May 11, 2021	REGULAR COUNCIL MEETING		
	3rd Quarter Report		
May 25, 2021	REGULAR COUNCIL MEETING		
	Community Center Construction Monthly Update	Informational Item	
June 8, 2021	REGULAR COUNCIL MEETING		
	Adopt Resolution No. 2021-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	Public Hearing 5/12/2021 & 5/19/2021- not less than 10 days - published once a week for two consecutive weeks	
June 22, 2021	REGULAR COUNCIL MEETING		
July 13, 2021	REGULAR COUNCIL MEETING		
August 24, 2021	REGULAR COUNCIL MEETING		

September 14, 2021	REGULAR COUNCIL MEETING		
	Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055	CC	ES
September 21, 2021	REGULAR COUNCIL MEETING – in place of 9/28 mtg which falls on holiday		
	Year End tentative report – September (if needed)		
October 12, 2021	REGULAR COUNCIL MEETING		
October 26, 2021	REGULAR COUNCIL MEETING		
November 2, 2021	JOINT WITH COMMISSION		
November 9, 2021	REGULAR COUNCIL MEETING		
	1st Quarter report FY 2021/2022		
November 30, 2021	REGULAR COUNCIL MEETING – in place of 11/23 mtg the week of Thanksgiving		
DECEMBER 7, 2021	COUNCIL REORGANIZATION		
December 14, 2021	REGULAR COUNCIL MEETING		
	CAFR and Year End – 1st meeting December		

Future Agenda Topics

To be scheduled	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion/Action - note in red if Public Hearing)	Department
	461 Orange Ave (CUP for school)	Public Hearing	Community Development
	5150 El Camino Road - Modification	Public Hearing ?	
	831 Arroyo Road final map (Tentative)	Consent item	
	See Me Flags		Engineering
	Pavement Management Program Update – 2019 Pavement Condition Index - The staff recommends Scenario 5 – Increase Current PCI to 75 by 2026	Discussion Item	James Sandoval, Engineering Services Director
	440 First Street Design Review		Community Development
	4350 El Camino Real Design Review		Community Development
	Climate Action Plan update		Community Development
	Healthy Cities Initiative		Recreation & Community Services
	Housing Impact vs. Housing in-Lieu Discussion		Community Development
	BAT/Neighborhood Watch program expansion		PD/CMO
	Complete Streets Master Plan		Engineering Services
	Community Engagement program		CMO
	Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		Engr. Svcs/Planning
	Off-street EV charging stations in front of homes – include in Reach Codes; refer to Environmental Commission?		Planning
	Schedule City/LASD meeting		
	Reschedule City/CUSD meeting (April/May)		
	Schedule Joint Los Altos/Los Altos Hills Council meeting (6-9 months: August – October)		
	Housing Element Update		Community Development
	San Francisco PUC permit		Engineering Services

