



CITY COUNCIL MEETING

AGENDA

TUESDAY, AUGUST 24, 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/144-455-5185>

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: 144-455-5185). 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.

Emails sent to the above email address are sent to/received immediately by the City Council.

Correspondence submitted in hard copy/paper must be received by 2:00 p.m. on the day of the meeting to ensure it can be distributed prior to the meeting. Correspondence 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

- Presentation of Santa Clara Valley Water District Drought Response Plan by Gary Kremen, Board Vice Chairperson, Santa Clara Valley Water District

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 July 13, 2021, Regular Meeting (A. Rodriguez)
2. Contract Amendment: Approval of Amendment No. 2 to the Agreement between the City of Los Altos and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City’s Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services (E. Ancheta)
3. Contract Authorization For Building Permit Plan Check Services: Authorize the City Manager to execute agreements with Structech Engineering and TRB+ Associates to provide building code compliance plan check services. (J. Biggs)
4. Contract Award: On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services (FY2021-2022) Award and authorize the City Manager to execute a contract in an amount not-to-exceed \$100,000 to C2R Engineering, Inc. for On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services. (G. Gabler)
5. Resolution No. 2021-45 Adopt Resolution accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101119; and authorizing the Engineering Services Director to record a Notice of Completion as required by law. (T. Nguyen)
6. Resolution No. 2021 -46 Adopt Resolution declaring the existence of a Local Emergency due to the Covid-19 Pandemic (J. Houston)
7. Resolution No. 2021-44: Adopt Resolution Drought Response and Water Conservation Efforts supporting Cal Water’s implementation of Schedule 14.1 and encourage water conservation efforts by residents, businesses, and other water users in Los Altos. (E. Ancheta)
8. Resolution No. 2021-47 Adopt Resolution related to Employer-Employee Relations within the City of Los Altos (I. Barragan Silipin)

PUBLIC HEARINGS

9. Ordinance No. 2021 -478 - ZTA 20-0003 - Zoning Text Amendments
Hold Public Hearing and Introduce, as read by title only, and waive further reading of an Ordinance amending Title 14 (Zoning) of the Los Altos Municipal Code to provide objective zoning standards for housing development projects. The proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section

15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment. (G. Persicone, J. Biggs)

DISCUSSION ITEMS

10. Floodplain Management Ordinances Nos. 2021-479 and 2021-480

- A. Adopt Urgency Ordinance No. 2021-479 of the City Council of the City of Los Altos amending the City of Los Altos Municipal Code to repeal Chapter 12.60 Flood Hazard Area Regulations and to replace it with a new Chapter 12.60 entitled Floodplain Management; to adopt Flood Hazard Maps; and making findings that this ordinance is exempt under CEQA Guidelines Sections 15307 And 15308. (S. Golden)
- B. Introduce, as read by title only, and waive further reading of Ordinance No. 2021-480 An Ordinance of the City Council of the City Of Los Altos amending the City of Los Altos Municipal Code to repeal Chapter 12.60 Flood Hazard Area Regulations and to replace it with a new Chapter 12.60 entitled Floodplain Management; to adopt Flood Hazard Maps; and making findings that this ordinance is exempt under CEQA Guidelines Sections 15307 and 15308. (S. Golden)

11. License Agreement - Friends of the Library: Consider the request for a limited-term License Agreement with the Friends of the Library to use city-owned land at the Government Center and, if approved, direct staff to execute the draft License Agreement with the Friends of the Library. (M. Hernandez)
12. Future City Council Meeting Location: Discuss and provide direction to staff for the location of City Council meetings upon expiration of State orders permitting entirely virtual meetings. (J. Maginot)
13. Formation of a City Council Lehigh Quarry Subcommittee: Discuss and determine whether to form a City Council Lehigh Quarry Subcommittee; discuss and determine the role and scope of such subcommittee and appoint two City Council Members to serve on the subcommittee (A. Chelemengos)
14. Designation of Voting Delegate and Alternate: Designate Two Council Members one as Delegate and one Alternate for the purpose of attending and voting at the League of California Cities Annual Conference Sept 22-24, 2021 (A. Chelemengos)
15. Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785. (Vice Mayor Enander; Council Member Weinberg)

INFORMATIONAL ITEMS ONLY

- Community Center Construction Monthly Update – June

- 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 would like to submit to the City Council for the public record.



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
7:00 P.M., TUESDAY, JULY 13, 2021**

Held Via Video/Teleconference Per California Executive Order N-29-20.

MEETING CALLED TO ORDER

At 7:22 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

Mili and Tara Sridhar, with Girl Scout Troop 62564 and 61911, led the Council in the Pledge.

REPORT ON CLOSED SESSION

Mayor Fligor reported that there was no action taken and nothing to report from the Closed Session held earlier in the evening. City Attorney Houston noted for the record that she did not participate in the closed session agenda items 4 and 5.

SPECIAL ITEMS

- Presentation: Fire Station 8 Regional Partnership For Public Safety And Fire Protection; Los Altos Hills County Fire District

Mayor Fligor introduced General Manager with Santa Clara County J. Logan who provided a brief presentation.

- Introduction of New Los Altos Recreation Supervisor for the Community Center Mary Jo Price

Recreation and Community Services Director Legge introduced and welcomed new Los Altos Recreation Supervisor for the Community Center Mary Jo Price. Ms. Price commented.

CHANGES TO THE ORDER OF THE AGENDA

Mayor Fligor requested Item #7 to be discussed after Item #11. There was no objection to this change.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

James Apfel, and Roberta commented.

CONSENT CALENDAR

1. Council Minutes: Approve the Minutes of the June 22, 2021 Regular Meeting (A. Chelemengos)
2. Resolution 2021-XX, Drought Preparedness and Water Conservation: Adopt Resolution 2021-XX: Drought Preparedness and Water Conservation Resolution to encourage voluntary water conservation efforts throughout the city as a proactive step in response to the current drought conditions (E. Ancheta)
3. Approval of the FY 2021-23 Objectives for the City Councils 2021 Strategic Priorities: Adopt Resolution No. 2021-xx approving the final FY 2021-23 Objectives for the Council's 2021 Strategic Priorities (B. Kilger)
4. 2021 Santa Clara County Multi-Jurisdictional Program for Public Information: Approve the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (5-Year Plan (S. Golden)
5. Amended Construction Contract Award: City Hall Council Chambers Audio/Visual Upgrade Project CD 01021: Approve the takeover agreement with the Western National Insurance Company for the completion of the Council Chamber Upgrade Project CD 01021; Approve a contract amendment with the Shalleck Collective Inc. in the amount of \$16,448 for construction administration support services; Appropriate \$36,000 of Liquidated Damages to the Council Chamber Upgrade Project CD 01021 (D. Brees)
- 5A. Memorandum of Understanding: Adopt Resolution No. 2021-XX and the terms outlined in the MOU between the City of Los Altos and the Los Altos Peace Officers' Association, which includes a two (2) year agreement and adopt Resolution No. 2021-XX approving the revised salary schedule for FY 2021/22. (S. Gerdes)

Council commented on several Consent Calendar items and staff provided answers to Council's questions. With regard to Consent Calendar Item 3, Vice Mayor Enander requested that the actual CIP numbers to be included in the attachment to the Resolution approving the FY 2021-23 Objectives for the City Councils 2021 Strategic Priorities; and, with regard to Consent Calendar Item #4, include a map identifying parcels located in flood hazard zones.

Scott Spielman comment on the Consent Calendar.

Council Member Enander moved to approve the Consent Calendar Items 1 through 5A and incorporating her amendments to Items # 3 and #4. 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

6. Ordinance No. 2021 -478 - ZTA 20-0003 - Zoning Text Amendments

Hold Public Hearing and Introduce and waive further reading of an Ordinance amending Title 14 (Zoning) of the Los Altos Municipal Code to provide objective zoning standards for housing development projects. The proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment" as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment. (Project Manager: Persicone)

Community Development Director Join Biggs introduced Planning Services Manager Guido Persicone to present the Public Hearing to the Council. Council Member Enander asked questions.

Public comments made by Jon Baer, Salim, and Roberta.

Discussion commenced.

Vice Mayor Enander moved to continue this item to August 24th. 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 9:01 p.m., Mayor Fligor called for a brief recess. At 9:08 p.m., Mayor Fligor reconvened the meeting.

DISCUSSION ITEMS

8. Project Acceptance for Cuesta Drive Traffic Calming Project TS01022: Adopt Resolution No. 2021-XX accepting completion of the Cuesta Drive Traffic Calming Project TS-01022 and authorize the Engineering Services Director to record a Notice of Completion as required by law. (J. Sandoval)

Engineering Services Director Jim Sandoval, along with Assistant Civil Engineer Gaku Watanabe presented the Staff Report and answered questions from the Council.

Discussion commenced.

The following individuals commented: Suresh Babu, Jim Nivison, T Couture, Dan Cohen, Jaya, Janet Corrigan, Kelly Berman, Jim Davidson, Polly Siegel, Roberta, Andrew, Polly Siegel, Dan Cohen, and Drew Hoffman and Ann Marie LaRocco Joel.

Council Member Weinberg moved to adopt the Resolution accepting completion of the Cuesta Drive Traffic Calming Project TS-01022 and authorizing the Engineering Services Director to record a Notice of Completion as required by law. 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

Council discussed the timeline for assessing this project.

Vice Mayor Enander moved to continue to assess and refine the installation of the speed tables through the Complete Streets Commission and for Council to continue to receive updates in terms of street striping, increase visibility, a 3-dimensional reassessment of the entire street to identify what adjustments or improvements can be made with the goal of bringing the entire matter to a closure by October 31, 2021. The motion was seconded by Council Member Lee Eng. 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

For staff reasons, agenda Item 10 was considered next.

10. Formation of a City Council Housing Element Subcommittee: Discuss and appoint no more than two City Councilmembers to serve on this subcommittee and provide direction on the role and scope of the subcommittee (J. Biggs)

Community Development Director Jon Biggs presented the item.

Public Comment made by Salim.

Mayor Fligor moved that the Council create a City Council Housing Element Subcommittee consisting of herself and Vice Mayor Enander and that the scope and role of the Subcommittee be as outlined in the July 13, 2021 Staff Report. The motion was seconded by Vice Mayor Enander. 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 11:31 pm the Council discussed if they would consider any new items. Vice Mayor Enander moved to consider Item #11 and Item #7. The motion was seconded by Council Member Lee Eng. The motion failed 2-3 with the following roll call vote:

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

9. Amendment No. 1 to the Agreement between the City of Los Altos, California, and Jeff Katz Architecture for the additional Design & Professional Consulting Services for the Los Altos Emergency Operations Center (EOC): Authorize the Interim City Manager or City Manager to execute Amendment 1 to the agreement with Jeff Katz Architecture (JKA) for the scope of services in the attached June 30, 2021, proposal in the not-to-exceed amount of either \$220,000 or \$303,000, and utilize up to \$10,000 for Additional As-Needed Services for unforeseen design that may arise (J. Sandoval)

Engineering Services Director Jim Sandoval presented to the Council.

Discussion commenced.

The following individuals commented: Art Whipple, (with time ceded from Jim Clark and Harry Guy) and Roberta.

Council discussed further.

Council Member Weinberg moved to adopt Option C as stated on the Staff Report. The motion was seconded by Council Member Meadows. The motion passed 4-0-1 with the following roll call vote:

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

INFORMATIONAL ITEMS ONLY

- Community Center Construction Monthly Update – May 2021
- Tentative Council Calendar

No comments/No action taken.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Interim City Manager recommends the Council consider allowing the City Parklet to be continued until the end of the calendar year.

Council asked City Staff to proceed with scheduling anti-biased training following the Cupertino model.

There was brief discussion regarding the upcoming LCC Annual Conference and Business meeting. Council Member Lee Eng, with support from Vice Mayor Enander, requested a future agenda item regarding Drought and implementation of water saving measures.

ADJOURNMENT

At 11:53 p.m., Mayor Fligor adjourned the meeting.

Neysa Fligor, MAYOR

ATTEST:

Angel Rodriguez, DEPUTY CITY CLERK



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Approval of Amendment No. 2 to the Agreement between the City of Los Altos, California and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City's Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services

Prepared by: Emiko Ancheta, Sustainability Coordinator

Reviewed by: James Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachments:

1. Exhibit A- Scope of Services
2. R3 Consulting Group, Inc. Proposal

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The cost of this amendment is \$109,857. The Solid Waste Enterprise fund has \$155,000 in the current Professional Services budget which is sufficient to cover this amendment.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to authorize the City Manager to enter into a professional services agreement with R3 Consulting Group, Inc. for contract extension negotiation services for the City's solid waste disposal at Newby Island and on-call solid waste support services for FY 2021-22?

Summary:

- This is a request authorizing the City Manager to enter into a professional services agreement with R3 Consulting Group, Inc. for contract extension negotiation services for the City's solid waste disposal at Newby Island and on-call solid waste support services for FY 2021-22
- The proposal contract total of \$109,857 exceeds the City Manager's \$75,000 limit, which requires authorization by Council

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Approval of Amendment No. 2 to the Agreement between the City of Los Altos, California and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City's Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services

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- SB 1383 establishes methane emissions reduction targets statewide in an effort to reduce emissions of short-lived climate pollutants (SLCP) of 50% by 2020 and 75% by 2025; and including but not limited to requirements for jurisdictions to conduct education and outreach on organics recycling
 - The City will enter into contract with negotiations for a new disposal contract with Newby Island as the current contract expires November 20, 2023

Staff Recommendation:

Authorize the City Manager to execute a professional services agreement between the City of Los Altos and R3 Consulting Group, Inc. in the amount not-to-exceed \$109,857 to provide Contract Extension Negotiation Services for the City's solid waste disposal at Newby Island and On-Call Solid Waste Support Services for FY 2021-22



Subject: Approval of Amendment No. 2 to the Agreement between the City of Los Altos, California and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City's Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services

Purpose

To execute a professional services agreement between the City of Los Altos and R3 Consulting Group, Inc. in the amount not-to-exceed \$109,857 to provide Contract Extension Negotiation Services for the City's solid waste disposal at Newby Island and On-Call Solid Waste Support Services for FY 2021-22.

Background

The Engineering Services Department has been using R3 Consulting Group, Inc. for solid waste support services for many years. R3 provides solid waste management services to municipalities including regulatory compliance, community outreach and education, diversion mandates and more. R3's current contract has a term through FY-22/23. R3 will assist the City with the new disposal contract negotiations and SB 1383 planning and implementation components.

City will enter into negotiations for an extension of the existing disposal contract with Newby Island as the current contract expires November 20, 2023.

In September of 2016, Governor Jerry Brown signed into law SB 1383 and the California Department of Resources Recycling and Recovery (CalRecycle) finalized the SB 1383 organic waste diversion regulations in November of 2020. SB 1383 establishes methane emissions reduction targets statewide in an effort to reduce emissions of short-lived climate pollutants (SLCP)¹. The bill establishes statewide reduction targets to reduce emissions of SLCP of 50% by 2020 and 75% by 2025; including but not limited to requirements for jurisdictions to conduct education and outreach on organics recycling to all residents, businesses (including those that generate edible food that can be donated) haulers, solid waste facilities, and local food banks and other food recovery organizations. Local jurisdictions must comply with the SB 1383 regulations by January 1, 2022.

R3 will assist the City with these two major tasks as well as other solid waste requirements.

Discussion/Analysis

R3 has assisted many jurisdictions in monitoring and planning for changes in solid waste programs that will be needed under the new SB 1383 regulations. R3 will assist the City in planning for the requirements stipulated in the regulations in the next fiscal year, train staff on the requirements, and assist with implementation of the various tasks.

¹ Short-lived climate pollutants (SLCPs) are climate pollutants—such as methane, black carbon, hydrofluorocarbons—that have a much higher global warming potential than carbon dioxide.



Subject: Approval of Amendment No. 2 to the Agreement between the City of Los Altos, California and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City's Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services

R3 Consulting Group, Inc. will provide support services for the City through the 2021-2022 fiscal year for the following tasks:

1. Negotiations for the City's disposal contract with Newby Island Landfill;
2. Planning and implementation assistance for Senate Bill (SB) 1383;
3. Review of Mission Trail Waste System (MTWS)'s annual rate adjustment;
4. Ongoing support for the implementation of the solid waste ordinance;
5. SB 1383 Waiver Evaluation Site Visits;
6. Contract management assistance;
7. 2020 Electronic Annual Report compilation and submittal;
8. Four quarterly meetings and as-needed on-call support; and
9. Training staff on solid waste related matters.

Options

- 1) Authorize the City Manager to execute a professional services agreement between the City of Los Altos and R3 Consulting Group, Inc. in the amount not-to-exceed \$109,857 to provide Contract Extension Negotiation Services for the City's solid waste disposal at Newby Island and On-Call Solid Waste Support Services for FY 2021-22.

Advantages: Support services provided by R3 for solid waste tasks will allow the City to maintain compliance with State and the Municipal Code.

The City does not have the required expertise in house to negotiate the disposal contract on its own. R3 Consulting Group (R3) are experts in negotiating, developing, and executing disposal collection agreements for government agencies and will support staff to negotiate effectively. R3 specializes in municipal solid waste management and understands the complexities of the disposal markets and vendors. R3 works with numerous jurisdictions throughout the Bay Area on negotiations and leverages their technical and financial expertise to provide jurisdictions with assistance throughout the negotiation process.

Disadvantages: The City could explore options to staff the various regulatory solid waste tasks and negotiations, although this could result in compliance delays and require additional budget.



Subject: Approval of Amendment No. 2 to the Agreement between the City of Los Altos, California and R3 Consulting Group, Inc. for Contract Extension Negotiation Services for the City's Solid Waste Disposal at Newby Island and On-Call Solid Waste Support Services

2) Do not authorize the City Manager to execute a professional services agreement between the City of Los Altos and R3 Consulting Group, Inc. in the amount not-to-exceed \$109,857 to provide Contract Extension Negotiation Services for the City's solid waste disposal at Newby Island and On-Call Solid Waste Support Services for FY 2021-22.

Advantages: The City could consider alternate options to staff the regulatory tasks and negotiations, this may require an increase to the allocated budget.

Disadvantages: Result in delays to the tasks and action items required by the State and the Municipal Code. Contract negotiations without the expertise of R3 could result in higher rates due to inadequate negotiations.

Recommendation

The staff recommends Option 1.



SCOPE OF SERVICES
CONTRACT EXTENSION NEGOTIATION SERVICES FOR THE CITY'S SOLID
WASTE DISPOSAL AT NEWBY ISLAND AND 2021 ON-CALL SOLID WASTE SUPPORT
SERVICES FOR THE CITY OF LOS ALTOS

June 7, 2021

BASIC SERVICES

This scope of work includes:

- Negotiations for the City's disposal contract with Newby Island Landfill;
- Planning and implementation assistance for Senate Bill (SB) 1383;
- Review of Mission Trail Waste System (MTWS)'s annual rate adjustment;
- Ongoing support for the implementation of the solid waste ordinance;
- SB 1383 Waiver Evaluation Site Visits;
- Contract management assistance;
- 2020 Electronic Annual Report compilation and submittal;
- Four quarterly meetings and as-needed on-call support; and
- Training staff on solid waste related matters.

TASK 1 - Disposal Contract Negotiations

Consultant recommends beginning disposal contract negotiations about 30 months prior to the end of the contract's term.

TASK 1.1 - Deal Points and Strategy

Consultant will work with City staff to develop "deal points" to guide the negotiation process with Republic Newby Island. The final list of deal points will be presented to the City for approval and incorporated into the negotiation process. In instances where proposed contractual requirements will be significantly different from those in the current contract, the consultant will prepare draft language for Republic to consider during the negotiation process.

The deal points may include matters such as:

- The rate for disposal at Newby Island; as well as adding additional rates for C&D processing, inerts, and other materials delivered by MTWS to Newby Island;
- The total quantity of disposal tonnage accepted by Newby Island; and
- "Favored nation" status in relation to the other disposal contracts with Newby Island that will be coming up for negotiations in the coming few years.

Consultant will lead and serve on the negotiation team throughout the negotiation process. This will include attending meetings with City staff, preparation of negotiation session agendas, and attendance at negotiation sessions (virtual only). During the negotiation process, Consultant will review and analyze cost data presented by Republic.

To the extent necessary, written responses will be prepared and presented. In addition, consultant will maintain a journal of items under discussion and items that have been agreed to. Consultant will also

monitor and track proposed changes to the contract. Consultant will regularly meet with City staff during the negotiation process for status updates and to discuss the status of ongoing negotiations.

TASK 1.2 - Prepare Amended Disposal Contract

Using the current contract as the base document, Consultant will prepare amendments to the contract for review by the City and Republic. The amendments will establish the scope of services to be provided by the contractor, including the “deal points” established in Task 1. This involves turning the key concepts identified in Task 1.1 into concrete contract amendment language, subject to the review, comment, and revision of both parties until such time as both parties are comfortable agreeing to the terms of the contract.

The contract will also encompass and detail, to the satisfaction of both parties (City and Republic), the City interests established in Task 1.1. Once comments from the parties have been received and resolved, consultant will finalize the amended disposal contract for City Council approval.

TASK 1.3 - Finalize Disposal Contract for City Council Approval

Consultant will present the results of Task 1.3 to the City Council, including recommendations made by the contract negotiation team. This will include a summary of the negotiation process and the results and recommendations for award of the contract.

If at any time, either party chooses to end negotiations, consultant will utilize the remaining task budget to assist the City in the preliminary steps of preparing an RFP and any needed elected engagement, consultant does not anticipate that the proposed budget will be sufficient to assist the City in the entire RFP process.

Task 1 Deliverables

- Deal points term sheet;
- Preliminary negotiation schedule;
- Weekly check-in meetings, by phone, with City and/or Republic;
- Preparation of negotiation session agendas;
- Preparation and attendance at negotiation sessions, up to six;
- Preparation and attendance at meetings with City staff, up to three;
- An electronic copy of the draft contract amendments;
- Public meetings/City Council presentations, up to one;
- Final amended contract for City Council approval;
- Presentation to City Council; and
- An electronic copy of the final amended contract.

TASK 2 – SB 1383 Planning and Implementation

Consultant has assisted many jurisdictions in monitoring and planning for changes in solid waste programs that will be needed under the new SB 1383 regulations.

Consultant will assist the City in planning for the requirements stipulated in the regulations in the next fiscal year, training City staff on the requirements, and assist in coordination with the County TAC, surrounding jurisdictions, and other stakeholders, and now proposes to:

- Prepare municipal code updates, revise the code according to staff and City Attorney feedback, prepare a final draft of the code update for City Council approval, present the municipal code update to City Council during the first reading, and attend the meeting adopting the municipal code update;
- Play a coordinating role with the City and MTWS on the universal organics roll-out, scheduled for September 2021;

- Review MTWS updates to its Annual Service Guide and quarterly newsletters to ensure that the public education provided by MTWS facilitates full compliance with the outreach and education requirements of SB 1383;
- Assist staff in planning for staff activities in 2022 to comply with SB 1383;
- Provide preliminary and final cost estimates for SB 1383 compliance in FY 2022-2023; and
- Assist staff in coordination with other regional entities on procurement and edible food recovery planning efforts.

Task 2 Deliverables

- SB 1383 planning and implementation, including municipal code updates and assistance to staff on meeting requirements not covered by the contract with MTWS.

TASK 3 – Annual RRI(Refuse Rate Index)

Consultant will review MTWS’ CPI Rate adjustment for fiscal year (FY) 2022-23 to confirm that:

- The correct indices were used;
- It is mathematically accurate; and
- It is consistent with applicable terms and conditions of the Agreement.

Consultant review will include the following steps:

- Confirm that MTWS provided the required information;
- Verify that MTWS correctly calculated and applied the changes in the appropriate CPI index;
- Verify that MTWS correctly recalculated the Maximum Rates to reflect changes in the CPI index;
- Make any necessary corrections to MTWS’ calculations and Maximum Rates, and verifying the changes with City Staff and MTWS;
- Prepare an electronic memorandum summarizing the results of MTWS’s RRI adjustment request for City Staff; and
- Assist with drafting resolution adopting FY 2022-23 Maximum Rates sheets for approval by City Council.

Task 3 Deliverables

- Electronic memorandum describing findings and recommended rate adjustment; and
- Consultant meetings with the City and MTWS, as needed.

TASK 4 – Solid Waste Ordinance Ongoing Support

Consultant has assisted the City in the implementation of the first and second phases of the solid waste ordinance, which involved mailing notifications to covered waste generators informing them of the requirement to subscribe to service and providing the self-haul documentation form for them to use to document compliance.

This task will include the mailings of additional notification letters for the 2021 year, as determined appropriate by the City. Consultant will also review and tabulate (in Excel) the results of reports received from the generators notified in the 2021 round of notifications, as available.

Additionally, as a part of this task, the consultant will complete the needed AB 341 and AB 1826 maintenance activities as needed for the 2020 EAR.

Task 4 Deliverables

- One (1) electronic list of solid waste ordinance non-compliant generators;
- Mailing of the letter and self-haul/exempt reports to non-compliant generators;

- List of covered compliant and non-compliant businesses for Ab 341 and AB 1826;
- Review of submitted self-haul reports, as received; and
- One (1) Excel workbook with a summary of reported exceptions to the solid waste ordinance and reported tons of non-MTWS collected commercial and multi-family solid waste generation

TASK 5 – SB 1383 Waiver Evaluation Site Visits

Consultant's subconsultant, Cascadia Consulting Group, Inc., (Cascadia) will complete the following tasks:

- Complete up to 150 drop-in (unscheduled) exemption/waiver evaluations, via on-site visit, by June 30, 2022. Cascadia will attempt to coordinate visits according to collection days to ensure material is available for observation.
- Take notes in outreach data tracking platform, leveraging existing account information (business name, address, account number). Notes will include:
 - Estimated quantities of SB 1383 defined organics
 - Summary of discussion with onsite representatives
 - Customer requested additional services (service change, container replacement, etc.)
 - Updated contact name and phone number
 - Photos of materials observed in collection containers
 - Type of exemption (space or de minimis) or note if business is not eligible for any exemption - these businesses will be deemed "out of compliance"
- Upon completion of site visits, Cascadia will export all account information with site visit notes and photos with both a detailed workbook and summary results as well as recommendations for next steps.

Task 5 Deliverables

- Up to 150 site visits to waiver applicants

TASK 6 – Contract Management Assistance

Consultant will review performance of MTWS covered programs in the collection services agreement, primarily education and outreach programs. Consultant proposes to assist the City in managing key programs covered under the contract to ensure a smooth transition to the negotiated extension executed in April 2020.

Task 6 Deliverables

- Ongoing support for contract management with MTWS during negotiations; and
- Review of quarterly reports as submitted by MTWS for key matters of interest, including diversion, dry waste processing, and education and outreach activities.

TASK 7 – 2020 Electronic Annual Report

Consultant will provide assistance to the City for this year's Electronic Annual Reports (EAR), similar to the previous 2016-2019 EAR. With additional planning and lead time, and with the consultant's familiarity with the solid waste programs offered in Los Altos, R3 will assist in expanding the level of detail provided in this year's EAR.

Based on consultant's review of the City's programs and discussion with City staff and MTWS, consultant will identify any additional information or data needs for the various programs for inclusion in the EAR.

ATTACHMENT 1

Information requests will then be submitted to the various parties, as applicable, to obtain the required information. Additional value-added benefits include:

- The review of Newby Island Special Waste Reports to determine whether waste attributed to Los Altos can be deducted from the annual report tonnages;
- Review of existing program descriptions and expansion for additional documentation of the excellent diversion programs active in Los Altos; and
- Additional investigation of non-franchised disposal tons attributed to Los Altos.

Using the information gathered, consultant will draft the EAR and provide a draft to the City for review and comment. Consultant will then finalize the EAR and submit to the City for submission to CalRecycle. At the City's discretion, consultant will upload the information to CalRecycle's website for submittal.

Consultant's task budget assumes that MTWS will provide the City with quarterly and annual reports of all information required for the EAR on a timely basis (e.g., within 45 days after the end of each quarter). As necessary, consultant will follow up with MTWS to assure that all available information is accurately reported in the Annual Report.

Task 7 Deliverables

- One (1) "needs list" containing additional requested information from City staff and MTWS;
- One (1) electronic draft EAR for review by City staff; and
- One (1) electronic copy of the final EAR by August 1, 2021.

TASK 8 – Quarterly Meetings and On-Call Support

In support of and in addition to the deliverables in Tasks 1 – 7, consultant will virtually attend up to four quarterly meetings with the City and MTWS. Consultant's participation in these meetings will be to coordinate with the City and MTWS schedule, information needs, and deliverables related to the other tasks included in this proposal. Consultant will also provide additional on-call support as needed by the City.

Task 8 Deliverables

- Attendance (virtual) for up to four (4) quarterly meetings with the City and MTWS; and
- On-call support and deliverables as needed and agreed upon.

TASK 9 – Staff Training

Consultant is prepared to help support existing and any possible new staff members and educate those needing information pertaining to, but not limited to:

- Contract management;
- AB 341 and AB 1826 requirements;
- Universal roll-out implementation support and solid waste ordinance support; and
- The City's franchise agreement.

Task 9 Deliverables

- On-call support and deliverables as needed and agreed upon.

SCHEDULE

The modification to the scope of work, as described above, shall be completed as requested by the City.

FEE SCHEDULE

The not-to-exceed cost for the services in this agreement is \$109,857.

PROJECT BUDGET

TASK	COST	HOURS
Disposal Contract Negotiations	\$ 29,250	150
SB 1383 Planning and Implementation	\$ 13,650	70
Annual RRI	\$ 2,430	16
Solid Waste Ordinance Ongoing Support	\$ 6,200	40
SB 1383 Waiver Evaluation Site Visits	\$36,427	N/A
Contract Management Assistance	\$ 2,680	16
2020 Electronic Annual Report	\$ 4,220	30
Quarterly Meetings and On-Call Support	\$ 10,000	60
Staff Training and SB 1383 Preparedness	\$ 5,000	30
TOTAL HOURS		412
TOTAL COST	\$109,857	

BILLING RATES AND CHARGES

2021 BILLING RATES AND CHARGES	
Classification	Hourly Rate
Principal	\$225 per hour
Project Director	\$215 per hour
Senior Project Manager	\$190 per hour
Project Manager	\$185 per hour
Senior Project Analyst	\$165 per hour
Senior Administrative Support	\$160 per hour
Project Analyst	\$155 per hour
Associate Analyst	\$145 per hour
Administrative Support	\$125 per hour
Reimbursable Costs	
Consultants/Subcontractors	Cost plus 10%
Lodging and meals	Direct cost
Travel — Private or company car	At Current Federal Rate
Travel — Other	Direct cost
Delivery and other expenses	Direct cost



June 18, 2021

Ms. Aida Fairman, Engineering Services Manager
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022
submitted via email: afairman@losaltosca.gov

**Subject: Proposal for Disposal Contract Negotiations and Special Focused
Diversion Assistance**

Dear Ms. Fairman:

R3 Consulting Group, Inc. (R3) is pleased to submit the attached scope of work, schedule, cost proposal, and billing rates to provide disposal contract negotiations assistance and extended Diversion Assistance FY 21-22 for the City of Los Altos (City).

This proposal provides the scope of work and proposed cost for seven solid waste-related matters, including:

1. Negotiations for the City's disposal contract with Newby Island Landfill;
2. Planning and implementation assistance for Senate Bill (SB) 1383;
3. Review of Mission Trail Waste System (MTWS)'s annual rate adjustment;
4. Ongoing support for the implementation of the solid waste ordinance;
5. SB 1383 Waiver Evaluation Site Visits;
6. Contract management assistance;
7. 2020 Electronic Annual Report compilation and submittal;
8. Four quarterly meetings and as-needed on-call support; and
9. Training staff on solid waste related matters.

Rose Radford will be the primary point of contact for this engagement and will be supported by other qualified R3 staff as necessary. **Garth Schultz**, as Principal of R3, would execute any resultant contract formally accepting the proposal.

We appreciate the opportunity to submit our proposal. Should you have any questions regarding our proposal, or need any additional information, please don't hesitate to reach out directly.

Sincerely,

A handwritten signature in blue ink that reads 'Rose Radford'.

Rose Radford | *Project Manager*
R3 Consulting Group, Inc.
415.347.9536 | rradford@r3cgi.com

A handwritten signature in blue ink that reads 'Garth Schultz'.

Garth Schultz | *Principal-in-Charge*
R3 Consulting Group, Inc.
510.292.0853 | gschultz@r3cgi.com

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1. SCOPE OF WORK

Task 1 Disposal Contract Negotiations

The City's disposal contract expires on November 20, 2023. In order to provide sufficient time for sole-source negotiations to begin, for a new disposal contract with Newby Island, and ensure there is time to release a Request for Proposals (RFP), if a mutually beneficial agreement is not reached, R3 recommends beginning disposal contract negotiations about 30 months prior to the end of the contract's term. Please also note that the Amended and Restated Franchise Agreement with MTWS allows MTWS to pass on the additional costs for disposal that may result from a renewal of the disposal contract.

Task 1.1 Deal Points and Strategy

R3 proposes to work with City staff to develop "deal points" to guide the negotiation process with Republic Newby Island. The final list of deal points will be presented to the City for approval and incorporated into the negotiation process. In instances where proposed contractual requirements will be significantly different from those in the current contract, we will prepare draft language for Republic to consider during the negotiation process.

The deal points may include matters such as:

- The rate for disposal at Newby Island; as well as adding additional rates for C&D processing, inerts, and other materials delivered by MTWS to Newby Island;
- The total quantity of disposal tonnage accepted by Newby Island; and
- "Favored nation" status in relation to the other disposal contracts with Newby Island that will be coming up for negotiations in the coming few years.

R3 proposes to lead and serve on the negotiation team throughout the negotiation process. This will include attending meetings with City staff, preparation of negotiation session agendas, and attendance at negotiation sessions (virtual only). During the negotiation process, R3 will review and analyze cost data presented by Republic.

To the extent necessary, written responses will be prepared and presented. In addition, we will maintain a journal of items under discussion and items that have been agreed to. We will also monitor and track proposed changes to the contract. We will regularly meet with City staff during the negotiation process for status updates and to discuss the status of ongoing negotiations.

Task 1.2 Prepare Amended Disposal Contract

Using the current contract as the base document, R3 will prepare amendments to the contract for review by the City and Republic. The amendments will establish the scope of services to be provided by the contractor, including the "deal points" established in Task 1. This involves turning the key concepts identified in Task 1.1 into concrete contract amendment language, subject to the review, comment, and revision of both parties until such time as both parties are comfortable agreeing to the terms of the contract.

The contract will also encompass and detail, to the satisfaction of both parties (City and Republic), the City interests established in Task 1.1. Once comments from the parties have been received and resolved, R3 will finalize the amended disposal contract for City Council approval.

Task 1.3 Finalize Disposal Contract for City Council Approval

R3 will present the results of Task 1.3 to the City Council, including recommendations made by the contract negotiation team. This will include a summary of the negotiation process and the results and recommendations for award of the contract.

If at any time, either party chooses to end negotiations, R3 will utilize our remaining task budget to assist the City in the preliminary steps of preparing an RFP and any needed elected engagement, although we do not anticipate that the proposed budget will be sufficient to assist the City in the entire RFP process.

Task 1 Deliverables

- Deal points term sheet;
- Preliminary negotiation schedule;
- Weekly check-in meetings, by phone, with City and/or Republic;
- Preparation of negotiation session agendas;
- Preparation and attendance at negotiation sessions, up to six;
- Preparation and attendance at meetings with City staff, up to three;
- An electronic copy of the draft contract amendments;
- Public meetings/City Council presentations, up to one;
- Final amended contract for City Council approval;
- Presentation to City Council; and
- An electronic copy of the final amended contract.

Task 2 SB 1383 Planning and Implementation

R3 has assisted many jurisdictions in monitoring and planning for changes in solid waste programs that will be needed under the new SB 1383 regulations.

After having assisted the City in planning for the requirements stipulated in the regulations in the next fiscal year, training City staff on the requirements, and assisting in coordination with the County TAC, surrounding jurisdictions, and other stakeholders, we now propose to:

- Prepare municipal code updates, revise the code according to staff and City Attorney feedback, prepare a final draft of the code update for City Council approval, present the municipal code update to City Council during the first reading, and attend the meeting adopting the municipal code update;
- Play a coordinating role with the City and MTWS on the universal organics roll-out, scheduled for September 2021;
- Review MTWS updates to its Annual Service Guide and quarterly newsletters to ensure that the public education provided by MTWS facilitates full compliance with the outreach and education requirements of SB 1383;
- Assist staff in planning for staff activities in 2022 to comply with SB 1383;
- Provide preliminary and final cost estimates for SB 1383 compliance in FY 2022-2023; and
- Assist staff in coordination with other regional entities on procurement and edible food recovery planning efforts.

Task 2 Deliverables

- SB 1383 planning and implementation, including municipal code updates and assistance to staff on meeting requirements not covered by the contract with MTWS.

Task 3 Annual RRI

R3 will review MTWS' CPI Rate adjustment for fiscal year (FY) 2022-23 to confirm that:

- The correct indices were used;
- It is mathematically accurate; and
- It is consistent with applicable terms and conditions of the Agreement.

Our review will include the following steps:

- Confirming that MTWS provided the required information;
- Verifying that MTWS correctly calculated and applied the changes in the appropriate CPI index;
- Verifying that MTWS correctly recalculated the Maximum Rates to reflect changes in the CPI index;
- Making any necessary corrections to MTWS' calculations and Maximum Rates, and verifying the changes with City Staff and MTWS;
- Preparing an electronic memorandum summarizing the results of MTWS's RRI adjustment request for City Staff; and
- Assistance in drafting resolution adopting FY 2022-23 Maximum Rates sheets for approval by City Council.

Task 3 Deliverables

- Electronic memorandum describing findings and recommended rate adjustment; and
- Meetings with the City and MTWS, as needed.

Task 4 Solid Waste Ordinance Ongoing Support

R3 has assisted the City in the implementation of the first and second phases of the solid waste ordinance, which involved mailing notifications to covered waste generators informing them of the requirement to subscribe to service and providing the self-haul documentation form for them to use to document compliance.

This task will support the mailings of additional notification letters for the 2021 year, as determined appropriate by the City. R3 will also review and tabulate (in Excel) the results of reports received from the generators notified in the 2021 round of notifications, as available.

Additionally, as a part of this task, R3 will complete the needed AB 341 and AB 1826 maintenance activities as needed for the 2020 EAR.

Task 4 Deliverables

- One (1) electronic list of solid waste ordinance non-compliant generators;
- Mailing of the letter and self-haul/exempt reports to non-compliant generators;
- List of covered compliant and non-compliant businesses for AB 341 and AB 1826;
- Review of submitted self-haul reports, as received; and
- One (1) Excel workbook with a summary of reported exceptions to the solid waste ordinance and reported tons of non-MTWS collected commercial and multi-family solid waste generation.

Task 5 SB 1383 Waiver Evaluation Site Visits

R3's subconsultant, Cascadia Consulting Group, Inc., (Cascadia) will complete the following tasks:

- Complete up to 150 drop-in (unscheduled) exemption/waiver evaluations, via on-site visit, by June 30, 2022. Outreach specialists will attempt to coordinate visits according to collection days to ensure material is available for observation.
- Take notes in outreach data tracking platform, leveraging existing account information (business name, address, account number). Notes will include:
 - Estimated quantities of SB 1383 defined organics

- Summary of discussion with onsite representatives
- Customer requested additional services (service change, container replacement, etc)
- Updated contact name and phone number
- Photos of materials observed in collection containers
- Type of exemption (space or de minimis) or note if business is not eligible for any exemption - these businesses will be deemed “out of compliance”
 - Upon completion of site visits, Cascadia will export all account information with site visit notes and photos with both a detailed workbook and summary results as well as recommendations for next steps.

Please note:

- The City will provide copies of each business’ exemption request form and account information including business name, address, phone number and name of the account representative.
- No follow-up visits and services to those businesses requested additional services or those that were deemed out of compliance (businesses that were identified as needing organics services but didn’t receive it during the universal roll out) are included.
- Outreach materials, such as flyers, brochures, stickers or other outreach leave-behind items are not included.

Task 5 Deliverables

- Up to 150 site visits to waiver applicants.

Task 6 Contract Management Assistance

R3 recently conducted a review of the performance of MTWS. A number of key findings resulted from this review, including a few programs covered in the collection services agreement that were not being fully implemented at the time of that review. Primary among those programs was education and outreach.

We propose to assist the City in managing key programs covered under the contract to ensure a smooth transition to the negotiated extension executed in April 2020.

Task 6 Deliverables

- Ongoing support for contract management with MTWS during negotiations; and
- Review of quarterly reports as submitted by MTWS for key matters of interest, including diversion, dry waste processing, and education and outreach activities.

Task 7 2020 Electronic Annual Report

R3 provided support to the City in preparing the 2016-2019 Electronic Annual Reports (EAR) to CalRecycle on an on-call basis. We propose to provide assistance to the City in a similar fashion for this year’s EAR. With additional planning and lead time, and with our familiarity with the solid waste programs offered in Los Altos, R3 will assist in expanding the level of detail provided in this year’s EAR.

Based on R3’s review of the City’s programs and discussion with City staff and MTWS, R3 will identify any additional information or data needs for the various programs for inclusion in the EAR. Information requests will then be submitted to the various parties, as applicable, to obtain the required information. Additional value-added benefits include:

- The review of Newby Island Special Waste Reports to determine whether waste attributed to Los Altos can be deducted from the annual report tonnages;

- Review of existing program descriptions and expansion for additional documentation of the excellent diversion programs active in Los Altos; and
- Additional investigation of non-franchised disposal tons attributed to Los Altos.

Using the information gathered, R3 will draft the EAR and provide a draft to the City for review and comment. R3 will then finalize the EAR and submit to the City for submission to CalRecycle. At the City's discretion, R3 will upload the information to CalRecycle's website for submittal.

Our task budget assumes that MTWS will provide the City with quarterly and annual reports of all information required for the EAR on a timely basis (e.g., within 45 days after the end of each quarter). As necessary, R3 will follow up with MTWS to assure that all available information is accurately reported in the Annual Report.

Task 7 Deliverables

- One (1) "needs list" containing additional requested information from City staff and MTWS;
- One (1) electronic draft EAR for review by City staff; and
- One (1) electronic copy of the final EAR by August 1, 2021.

Task 8 Quarterly Meetings and On-Call Support

In support of, and in addition to, the deliverables in Tasks 1 – 7, R3 will virtually attend up to four quarterly meetings with the City and MTWS. R3's participation in these meetings will be to coordinate with the City and MTWS schedule, information needs, and deliverables related to the other tasks included in this proposal. R3 will also provide additional on-call support as needed by the City.

Task 8 Deliverables

- Attendance (virtual) for up to four (4) quarterly meetings with the City and MTWS; and
- On-call support and deliverables as needed and as agreed upon.

Task 9 Staff Training

R3 is prepared to help support existing, and any possible new, staff members and educate those needing information including, but not limited to:

- Contract management;
- AB 341 and AB 1826 requirements;
- Universal roll-out implementation support and solid waste ordinance support; and
- The City's franchise agreement.

Task 9 Deliverables

- On-call support and deliverables as needed and as agreed upon.

2. PROJECT BUDGET

Our proposed, not-to-exceed cost for this engagement is **\$109,857**. The table below provides our proposed consultant hours and cost per task. Our hourly billing rates are provided on the following page. We would be happy to discuss changes to our scope or budget as may be needed to align with the City's needs.

TASK		COST	HOURS
1	Disposal Contract Negotiations	\$ 29,250	150
2	SB 1383 Planning and Implementation	\$ 13,650	70
3	Annual RRI	\$ 2,430	16
4	Solid Waste Ordinance Ongoing Support	\$ 6,200	40
5	SB 1383 Waiver Evaluation Site Visits	\$36,427	N/A
6	Contract Management Assistance	\$ 2,680	16
7	2020 Electronic Annual Report	\$ 4,220	30
8	Quarterly Meetings and On-Call Support	\$ 10,000	60
9	Staff Training and SB 1383 Preparedness	\$ 5,000	30
TOTAL HOURS			412
TOTAL COST		\$109,857	

Billing Rates

In the table below, we have provided our hourly billing rates for the R3 Project Team that may be involved in providing solid waste consultant services. These hourly rates are effective January 1, 2021 and are subject to periodic adjustments based on CPI.



CLASSIFICATION	HOURLY RATE
Principal	\$ 225 per hour
Project Director	\$ 215 per hour
Senior Project Manager	\$ 190 per hour
Project Manager	\$ 185 per hour
Senior Project Analyst	\$ 165 per hour
Senior Administrative Support	\$ 160 per hour
Project Analyst	\$ 155 per hour
Associate Analyst	\$ 145 per hour
Administrative Support	\$ 125 per hour
REIMBURSABLE COSTS	
Consultants/Subcontractors	Cost plus 10%
Lodging and meals	Direct cost
Travel - <i>Private or company car</i>	At Current Federal Rate
Travel - <i>Other</i>	Direct cost
Delivery and other expenses	Direct cost

Payments

Unless otherwise agreed in writing, fees for work completed will be billed monthly at the first of each month for the preceding month and will be payable within 30 days of the invoice date.



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Building Plan Review Consultant Recommendations

Prepared by: Kirk Ballard, Building Official

Reviewed by: Jon Biggs, Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachments:

1. Structech Los Altos Proposal 2021
- 1a Structech Fee for Services 2021
2. TRB Los Altos Proposal 2021
- 2a TRB Fee for Services 2021

Initiated by:

Staff

Fiscal Impact:

The fiscal impact is negligible. All consultant plan review fees are paid by the applicant at time of building permit application submittal. Expenditures for these services are established during the budget review and adoption process and are based on projected construction volumes.

Environmental Review:

Authorization of the City Manager to enter into agreements with consulting firms to provide building code compliance plan check services has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Authorizing the City Manager to enter into an agreement on behalf of the City of Los Altos for building code compliance plan check services will not be an activity with potential to cause significant adverse effect on the environment because it is related to the organizational or administrative activities of the City and will not result in direct or indirect physical changes in the environment, and therefore is exempt from CEQA.

Policy Question(s) for Council Consideration:

- Should the City Council authorize the City Manager to execute agreements with Structech Engineering and TRB+Associates for building code compliance plan check services.



Subject: Building Code Compliance Plan Check Services

Summary:

- This is a request authorizing the City Manager to enter into an agreement with Structech Engineering and TRB+ Associates to provide building code compliance plan check services
- The current agreements for these services have expired.
- This is a structure that has worked well for the City and supplements the moderately sized staff of the Building Division while maintaining high-quality plan reviews and responsive time lines.

Staff Recommendation:

Authorize the City Manager to execute agreements with Structech Engineering and TRB+ Associates to provide building code compliance plan check services.

Purpose

Assure building code compliance of permitted construction projects by entering into agreements with two consulting firms with demonstrated experience in the review of construction documents and plans for compliance with the building codes in effect in the City of Los Altos.

Background

The City Building Division has been using contract plan review services for many years to keep up with the community's on-going high volume construction activities. These companies provide in-depth plan review services for construction projects on large commercial, new residential, and complex remodels and additions. Fees for these services are paid directly by the applicant at time of building permit application submittal.

Small to mid-size cities in the bay area contract for these building code plan check compliance services in order to keep up with building permit application volumes and leverage the skills of the building inspection staff so that it can focus on the inspection of construction projects in the field. Without the use of these consulting firms, licensed structural/civil and plan-check engineers would need to be on-staff in the City. Currently, the City utilizes these same two consulting; however, the agreements with these firms have expired and new agreements need to be entered into.

Discussion/Analysis

In-line with the adopted purchasing policy, staff released an RFP for plan check services. Staff received four responses to the RFP from plan review consulting firms. All four proposals were carefully reviewed, each of the proposals were evaluated on the following objective criteria:

1. Demonstrated experience working with other jurisdictions and entities.
2. Consultant's approach and experience to accomplishing the scope of work.
3. Timetable for completing the projects.
4. Associated fees for services.



Subject: Building Code Compliance Plan Check Services

Based on this review, the two existing consulting firms have been identified as best meeting the criteria indicated above. The City Building Division has been utilizing each of these firms for over 13 years and their experience and knowledge of the building codes and practices in Los Altos, fees for service, and professional qualifications support this recommendation. Each firm is a known entity and familiar and staff's experience working with these firms has been positive.

Based on the merits of their proposals and its experience, staff is recommending that the City Council authorize the City Manager to enter into new agreements with Structech Engineering and TRB+Associates.

Options

- 1) Authorize the City Manager to enter into agreements with the recommended plan review consulting firms.

Advantages: Provides for continued plan check services by consulting firms with experience and a demonstrated ability to provide this service to the City of Los Altos.

Disadvantages: Slight overhead to administer these firms, which has not been a problem to date

- 2) Decline authorization to the City Manager to enter into agreements for plan review consulting services with the recommended firms

Advantages: Release of a new RFP may elicit submittals from other plan check consulting services.

Disadvantages: Would result in delays in the timely processing of construction permit applications

Recommendation

The staff recommends Option 1.



**STRUCTECH
ENGINEERING**

5632 Ravenna Court
San Jose, CA 95118
408-569-7486 hpouya@structech.net

May 19, 2021

RE: RFP- City of Los Altos, Building and Safety Consulting Services

Mr. Kirk Ballard
Building Official
City of Los Altos
One North San Antonio Road
Los Altos, California 94022-3087

Dear Mr. Ballard,

My company is privileged to respond to the Request for Proposal for professional consulting services issued on May7, 2021. Enclosed, please find our submittal documents per the RFP for the above referenced services.

- a. **Statements of Qualifications** - Structech is an engineering firm with over 36 years of highest quality service experience in the areas of design and comprehensive plan reviews. The experience of the staff ranges from design/analysis and plan reviews of single residential dwelling to multistory residential, commercial, institutional, and industrial projects with combined cumulative experience of more than 78 years. Please see Attachment 1 for the current Structech staff resumes and qualifications.
- b. **Resumes of technical organization** - Please refer to the Attachment I for the Structech Engineering summary resumes of the permanent technical staff with their professional references.
- c. **Service Approach** - Structech is an engineering firm with over 36 years of high-quality service experience in the areas of design and comprehensive plan reviews. Structech utilizes only qualified engineers and plan examiners with extensive and many years of experience in the areas of expertise, consisting of structural and complete plan reviews.
- d. **Methodology and ability to perform** - Structech does not offer field inspection services at this time. However, Structural plan reviews and complete plan reviews services are offered. Structural and non-structural plan reviews are normally performed in a concurrent manner utilizing electronic sets of plans, thus minimizing the time for plan circulation. Either one of these services can also be performed separately.

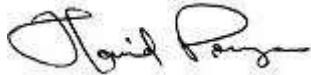
Aside from the permanent associates, Structech is able utilize other well experienced professionals who are on-call based on the workload.

- e. **List of specific tasks** – An electronic set of plans, and other documents such as Structural Design calculations, Title 24, and any other pertaining documents would be necessary to perform the following tasks:
- Perform *Plan Review* of submitted residential, commercial, and any other type of project within the City of Los Altos.
 - For the submitted plans, perform *Non-Structural Plan Review* in conformance with the regulation contained in the most currently adapted Building, Plumbing, Mechanical, Electrical Codes such as California Building Code (CBC), as well as State laws governing accessibility to building by physically challenged persons, FEMA flood zone regulations, Green Building Code, and energy conservation review (Title 24) as required by the State of California.
 - Perform *Structural Plan Review* for the submitted projects in conformance with regulation contained in the most currently adapted Codes, such as International Building Code (IBC) and the State of California regulations (CBC).
 - Process *Plan Revisions & Rechecks* and verify that corrections have been adequately made.
 - Provide limited consulting services as required by the City and be available to confer with applicants by telephone and email during all normal business hours or in person by prior appointment.
 - Meet with City staff upon request.
 - Provide electronic plan receiving and transmittal services to the City of Los Altos Building Division
- f. **Total Cost of the Listed Services and Hourly Rates-** The fees for services (section f) are presented separately as Attachment II in a sealed envelope as per RFP's instructions.
- g. **Examples of Past Work** – Structech has been performing and providing complete plan review services for the City of Los Altos for the past 33 years. Our company also provides plan review services for the City of Tracy since 2005, and the City of San Ramon since 2012. Samples of the plan review transmittals and reports are provided in the Attachment III.
- h. **Plan Review Timelines** – The typical turn-around times under usual work load and circumstances including the pickups and deliveries, if required, are as follow:
- Complete Plan Review for New Single Family Dwellings, Additions, and Remodeling, etc.- Within 10 Working Days; Rechecks Within 5 Working Days.

- Complete Plan Review for New Commercial Building Projects and Major Addition and Rehab — Within 15 Working Days, Rechecks Within 10 Working Days.
 - Complete Plan Review for New Apartment and Condominium Projects and Major Addition and Rehab — Within 15 Working Days, Recheck Within 10 Working Days.
 - Complete Plan Review for Commercial Tenant Improvement -- Within 15 Working Days, Recheck Within 10 Working Days.
- i. **Conflict of interest** - Structech will provide consulting services and plan reviews for the City of Los Altos. No other consulting services will be provided, nor solicited within the City of Los Altos without prior agreement between the City and Structech Engineering.

We look forward in continuing to work with the City of Los Altos as we have in the past 33 years.

Best regards,

A handwritten signature in black ink, appearing to read "Hamid Pouya". The signature is fluid and cursive, with a large initial "H" and "P".

Hamid Pouya, PE

Structech Engineering

Attachment - I

1 – Hamid Pouya P.E.

Registered Professional Engineer in the State of California.

California Licensed General Contractor (Currently Inactive).

With over 45 years of experience in structural analysis and design, structural plan review, construction supervision, and building department administration.

References:

Mr. Kirk Ballard
Building Official, City of Los Altos, California
One N. San Antonio Rd.
Los Altos, CA. 94022 (650) 947-2634

Mr. Kevin Jorgensen
Chief Building Official, City of Tracy, California.
333 Civic Center Plaza
Tracy, CA. 95376 (209) 831-6415

Mr. Vance Philips
Chief Building Official, City of San Ramon, California.
2226 Camino Ramon
San Ramon, CA. 94583 (925) 250-7058

Mr. Ali Fatapour P.E.
Building Official, City of Monte Sereno, California.
18041 Los Gatos Saratoga Rd.
Monte Sereno, CA 95030 (408) 858-2126

2 – Parviz Zavareh P.E.

Registered Professional Engineer in the states of Alabama, California, and Texas.

With more than 45 years of experience in structural design/analysis and plan review of residential, institutional, commercial, and industrial projects. Extensive

Attachment - I

experience with computer/software applications to the structural design and seismic analysis and retrofit of the buildings.

References:

Mr. Vance Philips
Chief Building Official, City of San Ramon, California.
2226 Camino Ramon
San Ramon, CA. 94583 (925) 250-7058

Mr. Ali Fatapour P.E.
Building Official, City of Monte Sereno, California.
18041 Los Gatos Saratoga Rd.
Monte Sereno, CA 95030 (408) 858-2126

Mr. Kevin Jorgensen
Chief Building Official, City of Tracy, California.
333 Civic Center Plaza
Tracy, CA. 95376 (209) 831-6415

3 – Frank Rainone

ICC Plans Examiner
California Licensed General Contractor.
ICC Certified Building Inspector
ICC Certified Electrical Inspector
ICC Certified Handicap Accessibility Inspector
State of California CASP Certified

With over 36 years of experience in performing non-structural (Architectural, Civil, Mechanical, Electrical, Plumbing, Green Building Code, and California Accessibility) plan review, as well as extensive hands-on experience in building inspection and construction.

References:

Mr. Ali Fatapour
Building Official, City of Sunnyvale, California
18041 Los Gatos Saratoga Rd.
Monte Sereno, CA 95030 (408) 858-2126

Attachment - I

Mr. Kirk Ballard
Building Official, City of Los Altos, California
One N. San Antonio Rd.
Los Altos, CA. 94022 (650) 947-2634

Mr. Vance Phillips
Chief Building Official, City of San Ramon, California.
2226 Camino Ramon
San Ramon, CA. 94583 (925) 250-7058

Attachment- II**STRUCTECH
ENGINEERING**

5632 Ravenna Court
San Jose, CA 95118
408-569-7486 hpouya@structech.net

- f. **Total Cost of the Listed Services and Hourly Rates** –The total plan review fees for structural and non-structural will not exceed **65%** of the same fees charged to the permit applicants by the City. The latter percentage is reduced to **55%** for project with project valuation **exceeding \$3 million dollars**.

Total fees charged for “structural only” review will not exceed 50% of the plan check fees charged to the permit applicants by the City.

The above limits include all required reviews, re-checks, and meetings necessary to complete final plan approval.

In case a project is submitted based on hourly review, the hourly rate for non-structural plan review is \$175 per hour and the rate for “structural only” plan review is \$200 per hour. Both hourly rates are based on a principal staff/associate time only.

The Expedited plan review services are available based upon City’s request. Fees for such projects are negotiable, and determined by mutual agreement at the time of requested service, and based on Structech’s workload, project complexity, and type of the project plan review. However, the fees for the complete expedited plan reviews shall not exceed 80% of the same fees charged by the City.

May 24, 2021

City of Los Altos

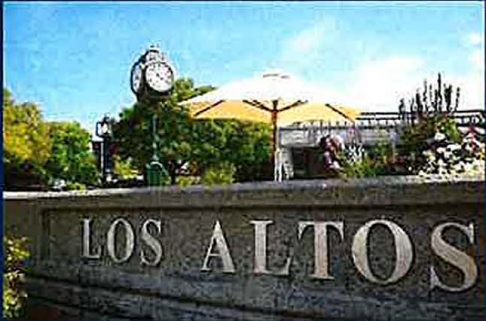
PROPOSAL TO PROVIDE BUILDING AND SAFETY PLAN REVIEW AND INSPECTION SERVICES

CONTACT

Todd Bailey, PE, LEED AP, CASp, MBA
Principal-in-Charge
925.866.2633
tbailey@trbplus.com

OFFICE LOCATIONS

- San Ramon
- Santa Clara
- Sacramento
- Long Beach



TRB+ Associates

Section 1 | Letter of Transmittal

Section 2 | Qualifications

Section 3 | Resumes

Section 4 | Staff Resources and Capability

Section 5 | References

Section 6 | Fee Schedule (under separate sealed envelope)

Section 7 | Schedule of Plan Review Turn-Around Times

Section 8 | Electronic Submittal Review Process

May 24, 2021

Kirk Ballard, Building Official
City of Los Altos
1 N. San Antonio Road
Los Altos, CA 94022

SUBJECT: TRB and Associates Proposal to Provide Building and Safety Plan Review and Inspection Services

Dear Mr. Ballard:

TRB and Associates, Inc. (TRB) is pleased to submit this Proposal to Provide Building and Safety Plan Review and Inspection Services for your consideration. We have reviewed the contents of the City's RFP and are prepared to provide the requested scope of services, and look forward to the opportunity to build on our over 13-year work partnership with the City of Los Altos Building and Safety Division.

For this engagement, Todd Bailey, P.E., CASp, LEED AP, MBA will continue to serve as the Project Manager responsible for ensuring timely delivery of quality support services. To confirm, Todd will be managing all services provided to the City from TRB's San Ramon office. Of note, Todd has over 15 years of personal experience providing Building and Safety support services to the City of Los Altos. The balance of our proposed key staff is identified in Section 3– Resumes of our proposal.

TRB and Associates provides Plan Review, Inspection, Delegate Chief Building Official, and CASp services to municipal building and public works departments throughout California. Our corporation, which comprises over 50 team members, was established in 2006 and has been a growing business since its founding. We specialize and serve exclusively in the code compliance role. We would like to highlight the following about the company:

- Our firm is engaged to provide as-needed Building Department and related services to over 50 municipalities in Northern California; including the City of Los Altos. As a result, our team is very familiar with the many region-specific considerations that need to be taken into account when evaluating code compliance including flood zone, seismic design, wind exposure, soil/liquefaction, wildland urban interface, and landslide criteria.
- As a value-added service, Paul Armstrong will be available to provide code training to City staff and invited guests on the 2019 California Building Codes Standards if desired by the City.
- The staff of TRB includes licensed Civil, Structural, Mechanical, Fire Protection, and Electrical Engineers; Architects; and ICC, CASp, LEED®, and SAP/ATC 20 certified individuals who have an average 25 years of experience in the architecture-engineering-construction industry.
- Our staff are active in industry organizations such as ICC, CALBO, CBOAC, ASCE, and SEAOC. Of note, TRB+'s roster includes three ICC Chapter Presidents and a CBOAC Board Member – Todd Bailey (East Bay Chapter, 2009), Paul Armstrong (Orange Empire Chapter, 2019), Lowell Brown (ICC Napa-Solano Chapter, 2017), and Shelley Loughran (CBOAC 2020).
- Our firm was recently recognized as Industry Member of the Year by the County Building Officials Association of California (CBOAC) in 2019.
- We have a strong track record of producing quality results and meeting turnaround goals, a track record to which our clients will attest.

Our firm looks forward to the opportunity to continue to assist the City of Los Altos as a Building Safety Services provider and is prepared to enter into an agreement with the City immediately. In the documentation provided, you will find background information on the company, our building & fire life safety service offerings, representative project experience, professional references, and a fee schedule for your review. If you have questions or need further information, please do not hesitate to contact Todd Bailey by phone at (925) 866-2633 or by email at tbailey@trbplus.com. We look forward to hearing your feedback soon.

Sincerely,

TRB + ASSOCIATES, INC.



Todd Bailey, P.E., LEED AP, CASp, MBA
ICC Certified Building Plans Examiner + Combination Commercial Inspector | Principal & Project Manager

Corporate & Project Office
3180 Crow Canyon Place, Suite 216
San Ramon, CA 94583
Tel: 925.866.2633

Silicon Valley Office
1265 El Camino Real, Suite 209
Santa Clara, CA 95050
Tel: 408.642.1068

Sacramento Office
333 University Avenue, Suite 200
Sacramento, CA 95825
Tel: 916.384.0900

Southern California Office
4182 N Viking Way, Suite 204
Long Beach, CA 90808
Tel: 562.566.4144

Company Overview

TRB and Associates, Inc. (TRB) is a California based building and fire life safety services corporation with offices in San Ramon, Santa Clara, Sacramento, and Long Beach. To confirm, all work for this contract will be performed out of our San Ramon office location. Our firm provides Plan Review, Inspection, Building Department Administration, Delegate Chief Building Official, and Disabled Access (CASP) Consulting services to public agencies throughout California. Of note, TRB has proudly served the City of Los Altos as a Building Safety services provider for over 13 years.

TRB and Associates was established in 2006 and has been a growing business since its founding. The firm is owned by its Principal-in-Charge Todd Bailey, PE, LEED AP, CASp, MBA who has over 25 years of experience working in the Building Safety field in California.

Our over 50 team members have an average of 25 years of experience in the Architecture-Engineering-Construction industry, encompassing building safety and related services across a full range of code disciplines.

Range of Services

- ✓ Building and Fire Plan Review (including Electronic Plan Review)
- ✓ Building and Fire Inspection
- ✓ Building Department Administration
- ✓ Code Enforcement Inspection
- ✓ Consulting Chief Building Official
- ✓ Disabled Access (CASp) Consulting
- ✓ Building Standards Codes Training
- ✓ Civil Plan Review and Inspection

Project Understanding & Approach

TRB and Associates, Inc. (TRB) would like to confirm its intent to provide Plan Review, Inspection, and CASp Services in accordance with the Scope of Work identified in the City of Los Altos' Request for Proposal (RFP) document. In brief, it is our understanding the City of Los Altos Building Division is seeking qualified consultants to assist with as-needed plan review, inspection, and disabled access (CASp) support services on a range of project types. It is understood that plan review and inspection task would comprise reviewing projects for adherence to the City's latest adopted Municipal Codes and Title 24 California Building Standards Codes covering structural, fire prevention, life safety, disabled access, energy conservation, green building, plumbing, mechanical, and electrical provisions.

The following reflects our proposed work plan for providing the requested scope of services.

Project Approach Overview

Our approach to this engagement is centered on utilizing experienced staff and fostering open communication between our firm and the City. On an ongoing basis, our Project Manager, Todd Bailey, will continue to maintain regular communication with City staff to ensure that we are kept apprised of current code interpretations and policies, and to enhance our ability to quickly respond to any issues that may arise during permit counter, document review, and/or inspection activities.

We value the importance of the City's projects and are committed to meeting all project service delivery deadlines. We will diligently document and report all plan review and inspection findings, tracking information, and other reports, as required by the City.

Throughout this engagement, our key team members will continue to be available to meet with City staff either via phone or in person to address questions that may come up during the course of a project. Our firm is committed to responding to all inquiries within 1 business day. We encourage discussions via in-person meeting, telecon, and/or WebEx or similar formats as agreeable and necessary to achieve the most expeditious results.

Quality Control Measures

Quality reviews and inspections are of paramount importance to us. Though we employ only experienced plan reviewers and inspectors, and expect their work to be of high standard, we have instituted a quality control policy to ensure that this standard is maintained. At the core of our quality control approach is having a “two sets of eyes” policy in place. All work performed by staff are reviewed for quality control by senior members of our team.

Our Project Manager, Plan Review Manager, and Inspection Services Manager will be in the role of ensuring accuracy and consistency (QA/QC) in the application of adopted codes and standards for any City assignments.

Building Code Instruction

To confirm, TRB is prepared to provide Building Code Instruction support to the City in either classroom or field-type settings on a range of technical subjects. Paul Armstrong is an award-winning California Building Standards Codes instructor whose accolades includes being named **CALBO Instructor of the Year**. Paul is currently providing extensive training on the California Building and Residential Codes to TRB clients, local ICC Chapters, and CALBO Education Week attendees. Paul will be available to provide tailored training to the City and its invited guests upon request.

Plan Review Scope & Approach

Plan Review

TRB is prepared to continue providing as-needed plan review services for residential, multi-family residential, commercial, and industrial projects encompassing building code, electrical, plumbing, mechanical, fire protection, Title-24 energy, accessibility, and green building standards; as well as grading, drainage, floodplain, wildland urban interface fire severity zone, stormwater, grading, hazardous materials, and State housing law Title-25 factory-built structure considerations, as applicable.

Our reviews consider all relevant project documentation including plans, specifications, calculations, and other related correspondence to verify conformance to adopted local codes, ordinances, regulations, and standards, including the following California Building Standards Codes:

- 2019 California Building Code
- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Plumbing Code
- 2019 California Mechanical Code
- 2019 California Fire Code
- 2019 Title 24 Energy Standards
- 2019 California Green Building Standards Code

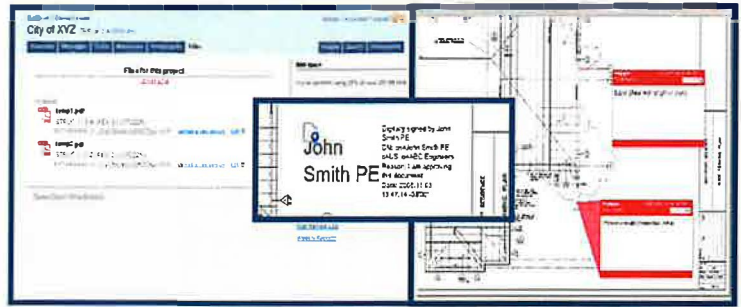
Alternate Material and Methods

TRB and Associates recognizes that there are alternate materials and methods of construction that can be used to satisfy and comply with the provisions of the code. Our experience with the use of alternate materials, alternate design and methods of construction enhances our ability to solve specific issues that arise in design and construction.



Electronic Plan Review

To confirm, TRB is prepared to continue accommodating and reviewing plan documents electronically for the City. The staff of TRB has been leaders in the field of digital plan review and workflow management; as such, we have the experience and know-how to efficiently manage the review of electronic documents. We are prepared to track and communicate all plan review comments and approvals through the City-designated electronic plan review system. Our team has extensive experience working with the City's system, as well as several other electronic plan review systems including Bluebeam, DigEplan, and ProjectDox. We are also experienced with remote workflow statusing of plan review project activity, and are prepared to do so for the City of Los Altos on this assignment.



Online Plan Check Status and Records

To facilitate access to plan review findings and status information, TRB is prepared to initiate its Project Website for use on this assignment. With our project website, all correspondence issued by our team can be posted and maintained for access by City and designated project stakeholder staff. Our postings can include plan review findings (i.e. approval/comment letters), plan review submittal status information, meeting notes, etc.; all of which may be updated on a daily basis. In addition, if so desired by the City, we can also accommodate incoming electronic document postings (i.e. electronic plans, calculations, RFI's, etc.). To confirm, there is no additional cost for this service.

Plan Review Process

The following process represents an example plan review workflow. Please note that the plan review workflow utilized for the City will align with the City's specific workflow requirements and needs.

Step 1 – Initial Review:

Upon receipt of a complete set of plan documents, we will perform our plan review in the agreed-upon timeframe, checking for compliance to all applicable code standards.

In general, plan review turnaround timeframe is ten (10) business days for initial reviews and five (5) business days for rechecks and revisions. Timeframes for large-size projects will be confirmed with City staff prior to proceeding with the review.

All corrections are identified based on compliance with specified codes and regulations and worded so the designer will know what needs attention and how to respond to the issue stated. Generally, corrections are identified in two ways:

- Notes can be made on plans as appropriate and authorized to assist in locating the issue on the plans;
- A correction sheet is generated detailing what items need to be addressed before plans can be approved.

The client will receive a copy of each correction list, as well as a cover memo containing the following:

- The date plans were reviewed by TRB and Associates
- The date that the applicant/applicant's designee was notified that the plan review was completed

Step 2 – Transmittal of Plans and Comment Lists for Plan Review:

At the heart of our approach in delivering our services to you, is the recognition that there must be a coordinated effort to track and coordinate all submittals and requests received. To help assure that submittals are properly coordinated and tracked, TRB and Associates has established an internal plan review coordination process to ensure that each plan received for review is properly handled, processed, and returned on time. Our plan tracking procedures are computerized to track each submittal through the review process and maintain accurate and comprehensive records for each submittal. Upon completion of our review, any comments generated are consolidated into a correction letter which is forwarded to the applicant; at the same time, an electronic copy is sent to the City for its reference.

Step 3 – Rechecks:

Upon receipt of the resubmittal package from the applicant, we will notify the City (via email) that we have received the package. Once we have verified that the resubmittal package is complete, we perform a recheck in the agreed-upon timeframe. This process is repeated until the project plan documents are ready to be recommended for approval.

Step 4 – Plan Approval:

When all review comments are satisfied, we will forward two sets of all relevant correspondence bearing our company's "Reviewed for Code Compliance" stamp (including plans, calculations, and specifications), along with a transmittal letter indicating our recommendation for project approval, and the project file to the City for processing.

Shipping and Delivery of Plans

TRB provides pre-printed overnight shipping labels and/or pickup services to facilitate the transport of plan submittals to our office. Please note that the pickup, shipment and delivery of plan documents and other relevant correspondence to the City is provided at no additional cost to the City.



Building Inspection Scope & Approach

TRB is prepared to perform inspection, referring to building plans, structural plans, and material specifications for structures located within the City limits, upon 48-hour notice. Our inspectors are proficient at verifying project conformance to model code standards (Building, Electrical, Mechanical, Plumbing, Green Building and Title 24 Energy & Accessibility) and locally adopted ordinances. TRB provides all labor and technical, administrative, professional, and other personnel; supplies, materials, equipment, and all other resources necessary to perform the specified work. TRB will use existing City forms or can develop correction sheets which meet with the approval of the City and shall maintain written lists of corrections needed to ensure conformance to codes and regulations.

Field Inspection Process

Our experienced team includes individuals with extensive field inspection experience on a range of project assignment types including municipality “Called Inspections,” “Clerk of the Works,” and “Inspector of Record” roles; our team can assist with a broad range of inspection responsibilities. Our scope of service areas includes residential, commercial, and industrial facilities, capital improvement projects, municipal agency services and infrastructure revitalization. Our inspectors are careful to document all inspection activities, adhere to agency-adopted protocols, and follow field procedures and policies as dictated by the Building Official. TRB will maintain daily inspection records and all necessary documents on file for reference by the City. To confirm, TRB staff are available for applicant inquiries and/or conferences during normal City business hours. Our inspections include those identified in the California Model Codes and would be amended or modified as directed by the City.

- Foundation Inspection
- Framing Inspection(s)
- Electrical, Mechanical, Plumbing systems inspection
- Lath and/or Gypsum Board Inspection
- Fire Code Inspection, e.g. fire suppression, alarms, etc.
- Concrete Slab or under-floor Inspection
- Insulation / Title-24 inspections
- Final Inspection

Remote Virtual Inspection (RVI) Option

Many jurisdictions are considering or have started using virtual programs to provide remote inspection services. Several of our clients (including the City of Sacramento) have successfully implemented a virtual inspection program. The system allows staff to keep doing their jobs while abiding by social-distancing requirements. Programs such as Inspected.com (a teaming effort with the ICC) or Blitzz charge a per inspection fee as well as an annual lease of their software. Inexpensive tools like Facetime, Skype, Google Duo and Microsoft Teams are also being used. It is important to note that TRB currently utilizes Microsoft Teams and Facetime for these services but can utilize other programs as requested.

Administration, Permit Processing, and CASp Services Scope & Approach

TRB is prepared to provide Permit Technician, Administrative, and CASp services support to the City on an as-needed basis. TRB staff are prepared to work at the City’s offices as an extension of City staff under the supervision of the Chief Building Official or their designee with the knowledge, skills, and abilities to perform the requisite functions:

- **Disabled Access (CASp) Services:** TRB offers Certified Accessibility Specialist (CASp) Consulting Services to assist agencies with the compliance requirements of State of California Senate Bill 1608 (Corbett). Our team is skilled at reviewing facility plans and specifications for compliance with State and Federal accessibility laws, codes, and regulations; evaluating facilities for compliance with State and Federal accessibility codes and regulations; and conducting accessibility research, preparing accessibility reports, and performing accessibility inspections. We offer email/phone consultations, onsite facility inspections and certifications, and expert testimony services as part of our CASp consulting services portfolio.
- **Permit Technician / Administrative Assistant:** Assist the general public at the front counter or by phone regarding building, planning, and engineering permit requirements, application and permit fees, application filing procedures and processing, and permit status. Screen plans and application materials for completeness and for conformance with City ordinances standards, policies, and guidelines. Review application materials for compliance with conditions of project approval; route plans to other City departments for review; approve and issue minor permits; research and respond to public inquiries.

Customer Service Philosophy

TRB and Associates, Inc. (TRB) customer service philosophy is simple; provide consistent quality services and represent our clients to the best of our ability. The achievement of the City's goals is at the heart of the services we provide. We have been able to consistently meet our clients' goals by implementing the following principles:

- ✓ Garnering a problem-solving attitude
- ✓ Gaining awareness of the issues that affect the community
- ✓ Applying the right expertise in a responsive manner

What you can Expect from Us

Experience

- Comprehensive understanding of the California Building Standards Codes
- Average 25 years' experience

Quality Work

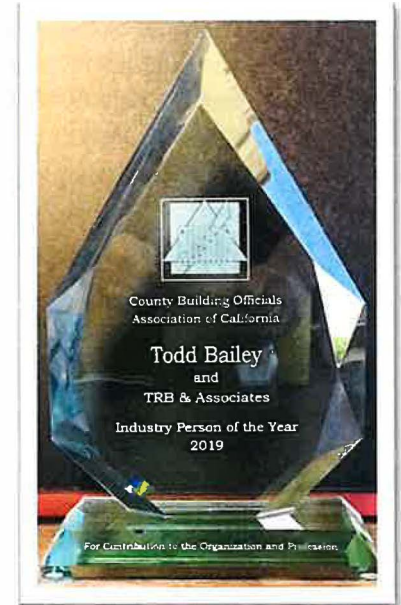
- High technical competence and solutions oriented
- Balanced approach to application of adopted Codes & Standards

Responsiveness

- Close proximity to City Offices
- Staff available on 24/48-hour notice
- Critical-path awareness
- Effective workflow policies and procedures
- Emergency Response Ready

Teamwork

- Consider us your Partner – We work with you



What Sets Us Apart

TRB has a strong track record of production quality results, meeting turnaround goals and client satisfaction. Ask our clients:

"TRB has performed Plan-Check services for [our City] for many years now. They review 75% of all my external plan reviews, I can honestly say their services are excellent. I have used several companies over the last 23 years, TRB has outperformed them all. TRB remains responsive and in control, they meet with me and our clients when requested and constantly put in the extra effort to ensure positive outcome."

- Municipal Chief Building Official at a Northern California jurisdiction

Our Commitment

In our Firm's nearly 15 years in business, we have assembled a team of professionals that have been committed to the success of TRB and our clients. As the organization continues to grow, we have maintained our core belief in providing a welcoming environment, training and promotional opportunities, as well as providing the best service possible to our clients. With TRB and Associates, the City of Los Altos will continue to receive an experienced team who understands the needs of public agencies and takes pride in delivering outstanding service. We are always on call and available to you.

Key Project Personnel & Organizational Structure

Mindful of the potential complexity of projects in the City of Los Altos, TRB and Associates has assembled a team with exceptional qualifications and attentiveness to quality and schedule. We would like to confirm that key personnel will be available to the extent proposed for the duration of the assignment and acknowledge that no person designated as key to the project shall be removed or replaced without the prior concurrence of the City.

PROJECT MANAGER

Todd Bailey, PE, LEED AP, CASp, MBA, our company Principal and Founder, will serve in the role of **Project Manager** for this engagement. Todd will continue serve as the main point of contact for the City. Todd has over 25 years of experience in the industry which includes overseeing services to the City of Los Altos over the past 13+ years, and serving as a Delegate Chief Building Official for the California Energy Commission on over 14 large-scale fast-track design build projects in California having a combined valuation of over \$6 billion. Todd will work closely with our team to ensure that project goals are met and that findings are communicated in a timely and clear manner.



PLAN REVIEW TEAM LEADERSHIP

Our plan review group is led by our **Plan Review Manager, Dominic Ma, SE, MPA**. Dominic possesses extensive experience in plan review, which includes working for more than 27 years as a plan review engineer for the City of San Leandro, and 6 years as a supervising civil engineer for the City of Oakland, where he led the City’s plan review division. Dominic will have responsibility for Plan Review Services on this assignment.



INSPECTION AND ONSITE SERVICES TEAM LEADERSHIP

Our inspection and onsite services group is led by our **Inspection and Onsite Services Manager, Lowell Brown**. Lowell has over 25 years of experience encompassing chief building official, plans examiner and combination commercial, industrial and residential inspector roles on a variety of projects; his experience includes serving as Development Services Supervisor, and CIP Project Ombudsman with the City of Fremont. Lowell will have responsibility for Onsite Inspection Services on this assignment.



CLIENT RELATIONS MANAGER

Our client relations group is led by our **Client Relations Manager, Shelley Loughran**. Shelley has over 25 years of experience in the industry which includes serving in both public and private sector roles. She is responsible for all marketing-related functions including strategic planning, client development and public relations. Shelley will be available as a secondary point of contact.



TECHNICAL DIRECTOR & INSTRUCTOR

As an additional resource, our **Technical Director - Paul Armstrong, PE, CBO** will be available to assist with code interpretation and training support. With more than 30 years of building safety management experience, Paul teaches regularly for California Building Officials (CALBO) and has developed a number of CALBO training courses. As a Chief Building Official, he managed building plan review, counter assistance, and inspection for numerous California agencies. His previous experience at International Code Council (ICC) included leading the Architectural and Engineering Services Department, International Conference of Building Officials (ICBO) Technical Services Department.

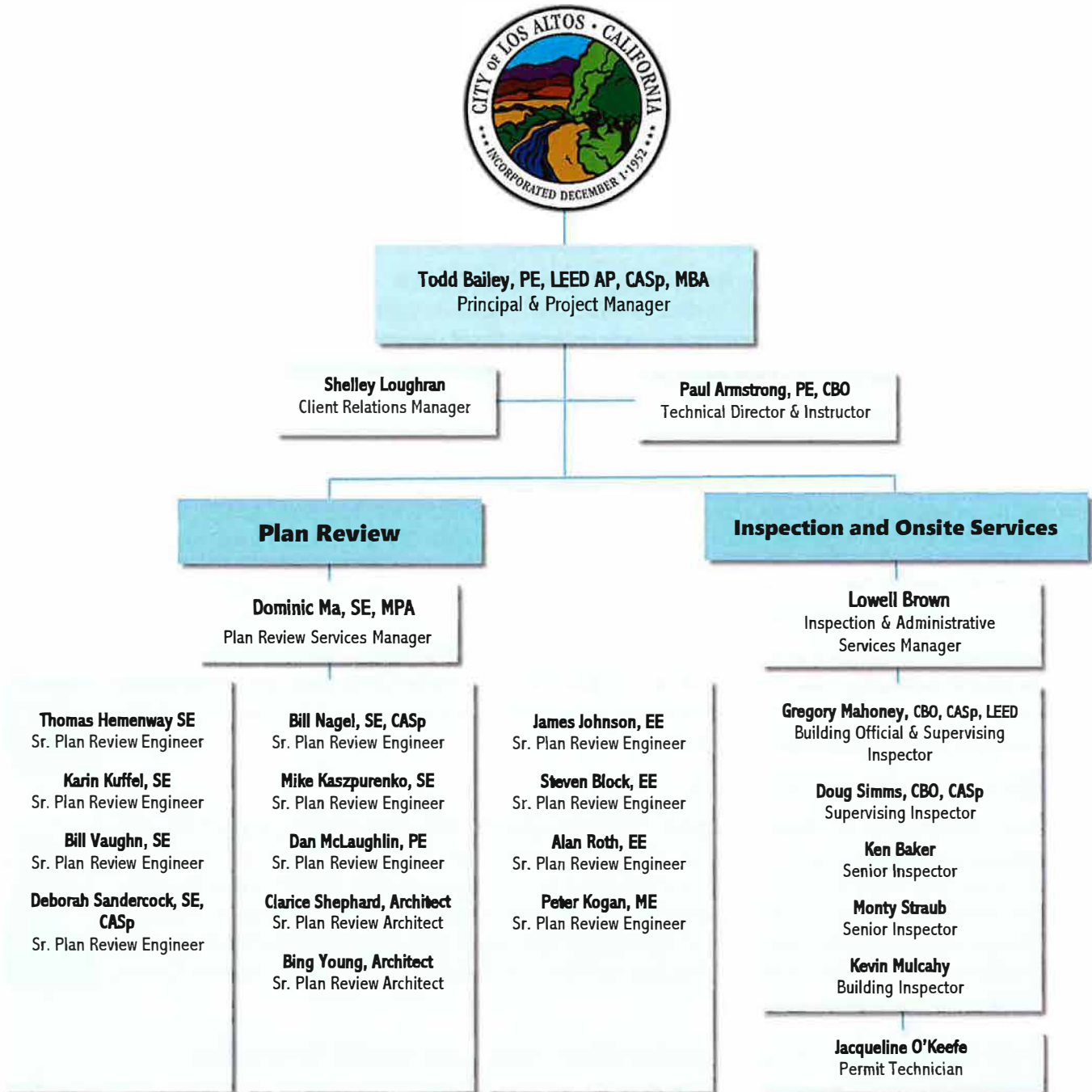


PLAN REVIEW, INSPECTION, CODE ENFORCEMENT, CASp, AND PERMIT TECHNICIAN STAFFING

Our proposed team is comprised of senior-level professionals most of whom have worked together across many large design-build projects and who possess an average of 25 years of experience in the Architecture-Engineering-Construction (AEC) industry. We are pleased to be able to present a team with this combination of interpersonal familiarity and extensive AEC experience.

Organizational Chart

The following Organization Chart identifies those individuals who are designated to this project. Please note that full Resumes for each listed individual listing project experience, licenses & certifications, and work history are included in this section of the proposal.



Todd Bailey, PE, LEED AP, CASp, MBA | Principal-In-Charge & Project Manager

Todd Bailey is a registered professional engineer with over twenty-five years of experience in the Architecture / Engineering /Construction industry encompassing project management, plan review, engineering design, structural and architectural building code interpretation, permit center administration, and litigation support. He has extensive experience working with architects, engineers, contractors, building departments and other regulatory authorities to ensure compliance to adopted Building Code Standards and local ordinances.

Todd has provided Building Safety services to over thirty jurisdictions as a consultant and spent three years with the City of Concord performing architectural, structural, energy conservation and disabled access plan reviews for both residential and commercial structures. Todd is also approved as a Delegate Chief Building Official for the California Energy Commission responsible for verifying new power project conformance to engineering construction codes on behalf of the Commission.

Select Project Experience**Building Safety Plan Review**

- Los Altos Gardens Project, Los Altos, CA
- Packard Foundation Project, Los Altos, CA
- Sacramento Convention Center Project, Sacramento, CA
- Santa Clara Square Apartments and Parking Structures, Santa Clara, CA
- NASA Moffett Federal Airfield, Historic Building Project, Mountain View, CA
- War Memorial Community Center, Daly City, CA
- Concrete Tilt-Up Shell Building (60,000 sf), Concord, CA
- Marin Health Campus - Buildings A-E, County of Marin, CA
- New Medical Research Facility (44,000 sf.), Walnut Creek, CA
- Major Office Remodel (Three 40,000 s.f. buildings), Pleasant Hill, CA
- Rivertown Apartments, Petaluma, CA
- Palolo Chinese Home, Senior Housing Complex, Honolulu, HI
- Spanos Park West Apartment Complex, Stockton, CA

Project Management / Administration

Have served as Delegate Chief Building Official / Engineering Manager for the California Energy Commission on thirteen natural gas fired power projects and one wind power generation facility in California having a combined valuation of over \$3 billion. Responsible for oversight of plan review tasks and coordination of submittals numbering up into the thousands on these design-build projects.

- Russell City Energy Center Project (600 MW), Hayward, CA
- Mountain View Power Project (1,056 MW), Redlands, CA
- Palomar Energy Center Project (546 MW), Escondido, CA

Work Experience

TRB + Associates Inc., Principal & Founder, 2006 – Present
 Bureau Veritas, Building & Facilities Code Compliance Services, 2001 - 2006
 Deloitte & Touche LLP, Construction Consulting Services, 1999 - 2001
 City of Concord, California – Permit Center, 1996 - 1999
 Luhdorff & Scalmanini Consulting Engineers, 1993 - 1996
 Tosco Refining Company, 1991 & 1992

Education

Master of Business Administration
Walter Haas School of Business
 University of California
 Berkeley

Bachelor of Science
 Civil Engineering
Cum laude
 University of California Davis

Registration

Registered Civil Engineer
 California (#C-56425) Hawaii
 (#11647)

ICC Certified Building Plans
 Examiner

ICC Certified Commercial
 Building Inspector

ICC Certified Commercial
 Electrical Inspector

ICC Certified Commercial
 Plumbing Inspector

ICC Certified Commercial
 Mechanical Inspector

LEED Accredited Professional

Certified Accessibility Specialist
 (CASp-229)

SAP / ATC 20 Certified

DSA-Approved Fire Life Safety
 Plan Reviewer

Professional Affiliations

ICC East Bay Chapter
 Past President (2009)

International Code Council

Other

Delegate Chief Building Official
 for the California Energy
 Commission – Power Plant
 Facilities

Dominic Ma, SE, PE, MPA | Plan Review Services Manager

Dominic has more than 30 years of experience in reviewing building plans and specifications submitted for building permit applications to assure compliance with adopted building codes and reference standards. Dominic's experience includes working for more than 27 years as a plan check engineer for the City of San Leandro and 6 years as a supervising civil engineer for the City of Oakland, where he led the City's plan review division.



Dominic has considerable knowledge of civil engineering and structural engineering principles and practices, California Building Code and Title 24 provisions. His strengths include having the ability to review, analyze and evaluate plans, specifications, engineering reports and calculations; possessing knowledge to identify code deficiencies; and evaluating alternate methods and materials of construction. Dominic is adept at reviewing plans for adherence to the California Building Code, ASCE 7-05/10, and when applicable FEMA, ASCE 41, NEHRP provisions.

Select Project Experience**Building Safety Plan Review****Plan Review projects supervised in the City of Oakland**

- 2121 Harrison Street. The Cathedral of Christ the Light (also called the Oakland Cathedral). A new modern Roman Catholic Cathedral with glass walls 120 ft. high. The \$190 million, 224,000 square feet structure sits on 36 innovative "friction pendulum double-concave bearing isolators," consisting of two facing concave surfaces.
- 2100 Franklin Street. The \$45 million, 245,000 s.f. project is 9 stories high and built with steel frames. To compensate for its slightly smaller than code required width, the interior atrium is equipped with smoke control system to provide fire protection for its occupants. Evaluated the alternate materials methods request associated with this design element.
- 100 Grand Avenue. 22 Story Condominium Building budgeted at \$150 million.
- Oakland Airport (Expansion and interior remodeling). A \$350 million Terminal Improvement Program.

Plan Review projects performed

- Bayfair Mall (Tenant improvements), San Leandro
- Century 21 Theatre, San Leandro
- San Leandro Dialysis Clinic
- San Leandro Honda
- San Leandro Hospital (New doctors' office building)
- Carlton Plaza of San Leandro (Assisted living facility)
- Costco Building Addition, City of Concord
- New Gas Compressor Building, Butte County
- AT&T Rooftop solar Panel Installation, City of San Ramon
- Tilt-up Warehouse Buildings (2), City of Sacramento
- Historic Building Seismic Retrofit, City of Benicia
- Cancer Treatment Facility, City of Pleasant Hill

Work Experience

TRB + Associates, Inc., Senior Plan Review Engineer, 2007 to present
 City of Oakland, Supervising Civil Engineer (Building Division), 2000 – 2006
 City of San Leandro, Plan Check Engineer, 1973 – 2000

Education

Master of Science Structural Engineering UCLA, Los Angeles, CA

Master of Public Administration, California State University, East Bay Hayward, CA

B.S. Civil Engineering University of California, Berkeley, CA

Registration

Registered Structural Engineer California (#1920)

Registered Civil Engineer California (#20018)

ICC Certified Plans Examiner

Certified Energy Plans Examiner Residential (#R05-94-5121) - Inactive

Certified Energy Plans Examiner Non-Residential (#NR05-94-5576) - Inactive

Lowell Brown | Inspection and Onsite Services Manager**Education**

AS, Building Inspection
Technology
Cheteketa College

Registration

ICBO/IFC Certified Building
Inspector: Commercial /
Residential

CSA / OES Certified Emergency
Response Assessment
Inspector

Lowell Brown has over 25 years of experience encompassing inspection management, chief building official, plans examiner and combination commercial, industrial and residential inspector roles on a variety of projects in Northern California. His experience includes serving as Development Organization Manager & Development Services Supervisor, and CIP Project Ombudsman with the City of Fremont.

Lowell provides project management and supervisory services to clients on an as-needed basis. Lowell's inspection experience includes complex structural systems, including base-isolation systems and laboratory mechanical and plumbing systems.

Select Field Inspection Experience**Government / Civic**

- Solano County Government Center Project, Solano County, CA

Commercial

- Chiron Medical, Emeryville, CA
- Pixar Animation Studios, Emeryville, CA
- Ikea, Emeryville, CA
- Marriott Hotel, Emeryville, CA
- Genentech CCP2 Expansion Project, Vacaville, CA
- OSHPD-3 Kidney Dialysis Centers, Walnut Creek, CA
- Dry Creek Rancheria Casino, Healdsburg, CA

Industrial and Power Plant Cogeneration Facilities

- Represented the California Energy Commission on Power Plant Projects in Northern California, include the following projects:
 - Los Medanos Energy Center Project
 - Delta Energy Center
 - Lodi Energy Center
 - Russell City Energy Center
 - Almond 2 Power Plant
 - Walnut Creek Energy Park Project

Select Office Plan Review and Administration Experience

- Development Organization Manager and Development Service Supervisor for six years.
- Worked as City of Fremont Ombudsman with large developers to during review and permit processes.
- Performed plan check and site assessment for preliminary design of major projects for the City of Fremont.

Work History

TRB + Associates, Inc., 2010 - Present, Inspection Services Manager
Private Consultants, Senior and Supervising Inspector Roles
City of Fremont CA, Development Services Department Roles

Paul Armstrong, PE, CBO | Technical Director & Instructor

Paul Armstrong is a Registered Professional Engineer with over 30 years of engineering experience. His vast experience in all manner of construction, be it industrial, commercial and residential project types, provides our clients with a strong skill set and wealth of industry knowledge. In addition to Paul's engineering experience, he is also a Certified Building Official, serving in this capacity at the City of El Monte, as well as Laguna Hills, Signal Hill, and Palos Verdes.



A noted author and lecturer in the building life safety industry, Mr. Armstrong has earned many awards, including CALBO Instructor of the Year.

Select Project Experience

- **Apple Campus Theater, Cupertino, CA** – The plan review of the Apple Campus' Theater where new products would be announced and corporate meetings held. Mostly subterranean structure that has a glass entry lobby supporting a carbon fiber roof (disk).
- **ARTIC (Anaheim Regional Transportation Intermodal Center), Anaheim, CA** – Plan review of the fire and life safety regulations for this new transportation center. The building is a steel tube framework with a 2-story administration area with a mezzanine inside. This review included a pedestrian bridge leading to the train platforms.
- **Anaheim Convention Center Expansion, Anaheim, CA** – A very large expansion of the convention center meeting space with an associated parking garage addition.
- **Disneyland Star Wars Expansion, Anaheim, CA** – A very visible area of the Disney resort that is about to open this year.
- **Rams/Chargers NFL Stadium, Inglewood, CA** – The plan review of the newest NFL Stadium project in So CA. The stadium itself is covered by a large steel tube framed roof structure that is not connected to the stadium.
- **Rio Tinto Soccer Stadium, Sandy City, Utah** – The plan review of the Salt Lake area's professional soccer stadium. It included a roof canopy structure with a wave feature in the leading edge.
- **Building Official Roles:**
 - Palos Verdes Estates
 - Laguna Hills
 - Whittier (interim position)
 - Signal Hill
 - El Monte

Regional Director, Building & Safety Services, TRB + Associates**2019 – Present**

Responsible for new business development for building life safety services for various jurisdictions throughout California. Provide client relations and code assistance. Perform training lectures on building and residential codes. Participate on various local, state-wide and national committees. Building Official of the City of Signal Hill.

Group Leader, Building and Safety Services, Industry Consultant**2017 – 2019**

Responsible for the development of new business for inspection services and plan review services for various jurisdictions across the United States. Provide client care and assistance on code related issues. Give training lectures on the building and residential codes. Participate on various local, state-wide, and national committees. Building Official of the City of Palos Verdes Estates and Laguna Hills.

Education

B.S. Civil Engineering California State University, Long Beach

Advanced Study, Fire Protection Engineering, Cal-Poly San Luis Obispo

Registration | Certification

Registered Professional Engineer, CA (#45464)

ICC Certified Building Official

Awards

CALBO Instructor of the Year, 2010

CALBO Course Developer Merit Award, 2014

Committees

International Association of Building Officials Board, 2018

ICC Code Correlation Committee, 2018

Orange Empire Chapter of ICC, Vice President

ICC Residential Energy Code Development Committee, Chair 2013

ICC Building Official Membership Council, Governing Committee, 2011

CALBO State Code Committee, 2011, 2012(Chair), and 2013

CALBO Building/Fire Advisory Committee, 2011

LA Basin Chapter and Orange Empire Chapter Code Committee, Chair 2011, 2012 (Chair) and 2013 (Chair)

Secretariat to the International Residential Code for One- and Two-Family Dwellings (1997-2000)

(Ctd. on next page)

Committees (Ctd.)

Author, 2013 and 2016
Significant Changes to the CBC
and CRC

UL Fuel Gas Products Council
(2002)

BCMC (BDMC) staff liaison
(1993-2002)

Co-secretariat to the ICC
Performance Based Building
Code

Secretariat to the International
Zoning Code (1996-2000)

Secretariat to the General
Design, Administrative, Lateral
Design, Fire and Life Safety and
Fire Risk Code Committees of
ICBO (1992-1996)

Staff secretariat responsible
for the rewrite of the Means of
Egress Chapter in the 1994
UBC

NIBS HHS Code Comparison
Committee (1994)

FEMA Building Performance
Review Team member (1993)

NIBS Flood Standards
Comparison Committee (1992)

Coordinator, Pacific Rim
Conference on Performance
Based Codes

Various ASCE standards
committees

SEAOC Code Committee liaison

ASME A17.1 Code Coordinating
Committee

ANSI Construction Standards
Board

Vice President, Various Industry Consultant Firms**2005 – 2017**

Responsible for the development of new business for inspection services and plan review services for various jurisdictions across the United States. Provide client care and assistance on code related issues. Give training lectures on the building and residential codes. Participate on various local, state-wide and national committees. Participate on various local, state-wide and national committees. Promotion and sales of the Firms' in-house electronic plan review system. Building Official of the City of Signal Hill. Contract Plan Review Engineer for the City of Anaheim

Chief Building Official, City of El Monte, Industry Consultant**2011 – 2012**

Responsible for the City of El Monte Building Division. Review plans for the City and issues permits. Conduct investigations of non-complying facilities frequently in conjunction with the Planning Division, Code Enforcement Division and LA County Fire Department. Develop presentations for City Council on adoption of new codes, etc.

Vice President, ICC**1991 – 2005**

Led the ICC Architectural and Engineering Services Department, responsible for technical opinions, plan review and the administration of technical contracts during the consolidation into the International Code Council. Managed ICBO Technical Services Department which was responsible for the maintenance of the code development process, plan review service and code opinion service for both external and internal customers. Represented the Council to many national, state and local organizations. Responsible for the technical image of the conference. Provided technical assistance on code related issues to both jurisdictional and professional members and non-members. Provided research on many code-related issues. Secretariat to most ICBO code development committees and the initial drafting secretariat to the ICC International Residential Code.

City of Los Angeles, Dept. of Building and Safety**1988 – 1991****Structural Engineering Associate**

Responsible for the structural, architectural and zoning review of proposed projects in the city. Chief of Coordinating Division and Preservation Coordinator. Evaluation of building products for LA code compliance.

Teaching Experience**International Code Council (ICC)**

Lecturer – Non-structural Fundamentals of the 2009 IBC (domestically and internationally)

Lecturer – Non-structural Fundamentals of the 2012 IBC

Lecturer – ICC Code Development Process

California Building Officials

Lecturer- Significant Changes to the 2013 CBC and CRC for CALBO, and ICC

Lecturer – 2016 Introduction to the CBC Means of Egress

Lecturer - Updates to the 2010, 2013 and 2016 California Residential Code

Lecturer – Updates to the 2010, 2013, and 2016 California Building Code

Advanced Building Code Enterprises - Developed and presented coursework

Lecturer – Accessibility topics

Lecturer – Updates to the 2006 International Residential Code and 2007 California Building Code

Publications and Papers

ICC Significant Changes to the 2019 CBC/Significant Changes to the 2019 CRC

ICC Significant Changes to the 2016 CBC/Significant Changes to the 2016 CRC

ICC Significant Changes to the 2013 CBC/Significant Changes to the 2013 CRC

ICC Dwelling Construction under the 2007 CBC - Technical Editor

1997 Uniform Codes and UBC Handbook - Staff Technical Editor

Shelley Loughran | Client Relations Manager

Shelley has over 25 years of professional experience in the building safety industry. Her experience includes both public and private sector work; including experience working in various jurisdictional departments such as Planning, Redevelopment and Public Works. Her private sector work includes serving as a Client Relations Manager, Human Resources Coordinator and Permit Technician for several Bay Artea Consultants.

**Education**

Bachelor of Arts, Liberal Arts
California State Long Beach
University, Long Beach, CA

Certification

FEMA
Incident Command System,
National Response Network

Professional Affiliations

Board Member - CBOAC

Serving as Client Relations Manager on behalf of TRB+, Shelley currently works with over 50 jurisdictions to serve as a liaison to the firm's clients; ensuring client needs are met.

Select Project Experience**Client Relations Manager, TRB and Associates 2016 – Present**

- Responsible for all marketing-related functions; including strategic planning, client development and public relations.

Permit Technician, City of Napa 2013 – 2016

- Served as a Permit Technician in the City of Napa's Community Development Department – Building Services Division for over 2 ½ years. Under the direction of the Chief Building Official, Shelley processed building permits from initial submittal through permit issuance. In addition, Ms. Loughran coordinated projects with City staff in multiple departments as well as outside agencies, including: Environmental Health, Napa Sanitation, Napa School District and the development community.

Marketing Coordinator, Bay Area Consultant 2006 – 2013

- Responsible for marketing-related functions for the firm; including proposal writing, attending conferences and public relations.

Permit Technician, Various Jurisdictions 1997 – 2006

- Worked for many bay area jurisdictions as a contract Permit Technician on an as needed basis from 1997-2006.

Permit Technician, Various Jurisdictions 1985 – 1996

- Served in various departments at the City of Huntington Beach from 1985 – 1996; working in Community Development, Redevelopment and Public Works while pursuing a bachelor's degree. Served as a Permit Technician at the City's Building Counter for over 5 years.

Work Experience

- TRB + Associates, Inc., Client Relations Manager/Permit Technician 2016 - Present
- City of Napa, Building Dept., Permit Technician (City Employee) 2015—2016
- East Bay Area Municipal Consultant Firm, Contract Permit Technician for Napa 2013—2015
- Bay Area Municipal Consultant Firm, Permit Technician/Marketing Coordinator 1996—2013
- City of Huntington Beach, Permit Technician/Administration 1985-1996

Thomas Hemenway, SE, PE | Senior Plan Review Engineer

Tom Hemenway is a Registered Structural Engineer with over 30 years of engineering experience. Tom's experience includes providing structural, civil, and architectural design and quality control on a variety of industrial, commercial, and residential project types including multifamily podium projects, utility-scale power plant facilities, and retail buildings. He has served in design and analysis capacities for several seismic strengthening projects involving timber, steel, concrete, and masonry buildings in the greater San Francisco bay area. His technical skills include 3D modeling and dynamic analysis for large foundations and structures.

Education

B.S. Civil Engineering
Technology, Structural
Emphasis
Metropolitan State College,
Denver

Registration

Registered Structural Engineer
California (#5348)

Registered Civil Engineer
California (#52357)

Professional Affiliations

SEAONC Member

Select Project Experience

- Lead Civil/Structural Engineer on multiple projects including the following:
 - NUMMI, Stamping Plant and Plastics Plant Expansion, Fremont
 - Vandenberg AFB housing development phases III and IV
 - 140 Geary Street seismic retrofit, San Francisco, CA
 - Amgen, Process Lab Building 99, Thousand Oaks, CA.
 - Huntington Hotel, San Francisco, CA
 - Wells Fargo Bank, Fremont Data Center, Fremont, CA.
- Responsible for Civil, Structural, and Architectural designs for industrial projects domestic and international.
- Responsible for structural analysis and design of seismic strengthening to existing timber, steel, concrete, and masonry buildings in the greater San Francisco bay area.
- Responsible for 3D model constructability review for a new GE 7FA natural gas-fired and GE A10 steam turbine, 1x1 combined cycle electric power generating facility.
- Responsible for ensuring quality of Civil, Structural, and Architectural construction activities for 600-megawatt natural gas-fired, combined cycle electric power generating facility.
- Performed dynamic structural analysis and concrete design for new steam turbine foundation.
- Designed concrete and steel structures for Kennecott Copper Smelter Modernization Project, Salt Lake City, UT using STAAD III and Microstation for PC computer.
- Designed steel pile and conventional concrete pad foundations for overland conveyor at Falkirk Mine in Underwood, North Dakota.

Work Experience

TRB + Associates, Inc., Senior Plan Review Engineer, 2016 - Present
 Owner, TjHemenway Design Consultant, 2014 to 2016
 Construction and Engineering Interface Manager, Kvaerner North American Construction Inc. and Parson Brinkerhoff JV, 2013
 Owners Representative, Calpine, Russell City Energy Center, 2011 – 2012
 Lead Structural Engineer, Aker Kvaerner, 2002 – 2003
 Resident Engineer, Kvaerner, 2000 – 2002
 Civil/Structural Discipline Manager, Kvaerner Metals, 1998 – 2000
 Senior Structural Engineer, Kvaerner Metals, 1997
 Civil/Structural Lead Engineer, The Bentley Company, 1995 – 1996
 Others, 1981 – 1994

RESUMES

Karin Kuffel, SE, PE | Senior Plan Review Engineer**Education**

Bachelor of Science
Civil Engineering
Purdue University; West
Lafayette, Indiana

Masters of Business
Administration
Saint Mary's College of
California; Moraga, California

Registration

Registered Structural Engineer
California

Karin has over 30 years of structural engineering experience. Ms. Kuffel has vast structural design experience in both complex commercial and residential projects. She has managed many large-scale projects, including hospitals, OSHPD and the Chabot Space and Science Center. Her experience includes staff training, building design, and design review, as well as construction supervision and development of design and construction guidelines for new single-family residences.

Work Experience**Plan Review Engineer, TRB + Associates, San Ramon, CA 2016 - Present**

Provide structural plan check reviews of large commercial and institutional structures for multiple Bay Area building departments.

Build Change; Philippines 2014 - 2016

Lead Engineer - Philippines. Responsible for all technical work and staff of Denver-based engineering non-profit's programs and operations throughout the Philippines, including management of Filipino engineering/technical staff comprised of engineers and builder trainers. Supervised training of local staff, building design, design review, construction supervision, and development of design and construction guidelines and recommendations for single-family homes and schools based on the National Structural Code of the Philippines.

Crosby Group; San Mateo, CA 2011 - 2014

Senior Structural Engineer/Project Manager. Project management on multiple design-build projects, working with design team and contractor on fast-track work both in- and out-of-state. Responsible for managing project team from design through construction, developing and tracking fees, deadlines, and deliverables.

Independent Consultant 2009 - 2011

Structural engineering consultant in San Francisco Bay Area. Consultant for small commercial and residential work. Extended contract work for Rutherford & Chekene included multiple hospital projects covering new hospital facility design, OSHPD plan-check work, and construction administration assistance.

Biggs Cardosa Associates, Inc., SF, CA 2006 - 2009

Senior Engineer. Project management with responsibility for developing work, managing project production work, and overseeing construction administration. Representative projects include oversight for design of 8-story residential and parking structure for Santana Row Parcel 8b (San Jose, California) and the Lowe's parking structure in San Francisco.

KPFF Consulting Engineers; SF, CA 2004 - 2006

Project Manager. Responsible for developing work and fee proposals, managing project engineering, and drafting work, and overseeing construction administration. Project management included design of 5-story addition to Kaiser Santa Rosa Hospital, construction administration for 7-story addition to Modesto Memorial Hospital, and design and construction of low-income housing for South County Housing.

Independent Consultant 2001 - 2004

Structural engineering consultant in San Francisco Bay Area. Consulting clients included Chabot Space and Science Center, SOHA Engineers, and Gerson/Overstreet Architects.

William Vaughn, SE, PE | Senior Plan Review Engineer**Education**

Bachelor of Science,
Structural Engineering,
Masters-level Course Work in
Structural Engineering,
Portland State University,
Portland, Oregon

Bachelor of Arts, Economics,
Course Work in Business
Administration and Industrial
Engineering, State University of
New York, Buffalo, New York

Registration

Registered Structural Engineer,
California

Registered Civil Engineer
California

Professional Affiliations

Structural Engineers
Association of Northern
California (SEAONC)

Structural Engineers
Association of California
(SEAOC)

International Code Council
(ICC)

East Bay Chapter of ICC

William Vaughn is a Registered Structural and Civil Engineer with over 35 years of experience in construction, structural engineering design, seismic investigation and structural peer and plan review. Bill has extensive knowledge in commercial and residential buildings as well as industrial facilities using steel, concrete, masonry and timber design. He also has a wide range of construction field experience including supervision, construction methods, product development and structural inspection. Of particular note, Bill's steel design portfolio includes 2 Moment Frame patents with HSS Steel Columns and Wide Flange Beams.

Select Project Experience

- Provided structural design and peer review services for clients with residential, multi-family, and commercial buildings using timber, steel, concrete, and masonry design.
- Produced structural designs for new buildings and provided structural designs and evaluations for alterations to existing buildings.
- Designed seismic strengthening of un-reinforced masonry buildings, wood buildings, and concrete tilt-up buildings.
- Produced repair designs for earthquake damaged facilities and for other structurally damaged buildings.
- Conducted analyses of existing buildings to assess compliance with codes and drawings.
- Performed investigations of earthquake, fire, and flood distress. Prepared reports, engineering analyses, and repair recommendations.
- Provided expert witness, structural peer review and plan review services.
- Investigated structural damage and distress for litigation preparation purposes. Prepared reports, engineering analysis, and recommendations to client. Provided design preparation and construction observations for repair designs.

Structural Peer Review

- Haas School of Business, University of California, Berkeley, CA

Structural Plan Review

- Russell City Energy Center, New \$800 million Power Plan Project (for California Energy Commission), Hayward, CA
- Newell Village Mixed Use Project, Walnut Creek CA
- Terraces at Los Altos Mixed Use Project (Phase 3), Los Altos, CA
- New Family Dollar Store, Sacramento, CA

Structural Design

- Chevron Willbridge Terminal Upgrade, Portland, OR
- Chevron Eureka Terminal Upgrade, Eureka, CA
- Kaiser - Lennon Lane Mechanical & Seismic Upgrade, Walnut Creek, CA

Work Experience

TRB + Associates Inc., Senior Plan Review Engineer, 2011 – Present
 Vaughn Engineering, Principal Structural Engineer, 1994 - 2011
 David L. Messinger & Associates, Civil & Structural Engineer, 1990 -1994
 Alan R. Horeis Structural Engineers, Civil Engineer, 1987 -1990
 Others, 1971 – 1987

Deborah Sandercock, SE, PE, CASp | Senior Plan Review Engineer

Deborah has nearly 25 years of building life safety experience, serving as a Building Official, Supervising Structural Engineer and Deputy Director of Planning and Building for multiple jurisdictions. From her private sector work, to serving as a Supervising Structural Engineer for Contra Costa County, and later a Deputy Director for the City Oakland, she has been involved in the building industry since 1993. Ms. Sandercock has vast experience in complex industrial, commercial and residential projects. She has also managed multi-division staff in the areas of building, housing, zoning, code enforcement and inspection.

**Education**

MS in Civil Engineering,
University of California, Irvine

BS in Architectural Engineering,
California Polytechnic
University, San Luis Obispo

Licenses and Certifications

Structural Engineer, California
(4511)

Professional Engineer, CA
(56904)

Certified Access Specialist,
California (288)

Work Experience

TRB + Associates, Senior Plan Review Engineer **2018-Present**

Building Official/Deputy Director Planning & Building, City of Oakland **2013 – 2016**

- Plan, direct and coordinate through subordinate supervisors a variety of building services including building, housing and zoning code compliance and enforcement, inspection services, engineering and plan review services, permit processing and seismic safety programs; develop and implement the new Accela permitting system; develop and present legislation for new programs and adoption of local codes to County, Administrator and Mayor; perform analysis for fee study and develop new fee schedules; resole complex building service issues; provide code interpretations to staff, city officials and constituents; handle disciplinary issues and performance appraisals; direct the process for hiring staff; oversee department budget and finances, develop and implement department policies and procedures; work closely with Council, public and private groups to explain or coordinate programs and proposed projects.

Supervising Structural Engineer, Contra Costa County, Martinez CA **1999 – 2013**

- Supervisor of plan check and engineering staff as well as the Application and Permit Center; develop department policies and County ordinances, make policy recommendations on code interpretations, provide technical training/support for plan check and inspection staff, review plans for compliance with structural, fire and life safety, disabled access requirements.
- Perform and manage plan review for oil refineries and power generating plants, review and update permit fees, assist in the development and maintenance of the Accela permitting system, handle disciplinary issues and perform annual appraisals, Certified Access Specialist for the department.
- Powerplant Experience – Marsh Landing Generating Station, Antioch – 2010-2013

Project Engineer, DASSA Design, San Francisco, CA **1998 – 1999**

- Structural analysis and inspection of public-school buildings for the development of seismic strengthening plans. Structural analysis and inspections of hospital buildings for the development of Senate Bill 1953 reports.

Project Engineer, Deems Lewis McKinley Architecture **1997 – 1998**

- Structural design of new public-school buildings and seismic strengthening plans for existing public-school buildings.

Design Engineer, Ficcadebti & Waggoner, Inc. **1993 – 1997**

- Structural design of commercial buildings. Inspection and design of repair plans for earthquake damaged buildings. Forensic inspection and analysis of existing residential buildings to determine structural deficiencies and develop repair plans. Design of curtain wall systems in light gauge and structural steel.

Bill Nagel, SE, PE, CASp | Senior Plan Review Engineer



Bill Nagel has over 30 years of structural/civil engineering experience on commercial, residential, and industrial project types. Bill's wide range of experience includes both private and public sector experience. In addition to plan review, Bill provides CASp inspections, and Development Services Director duties.

Education

Bachelor of Science
Civil Engineering
California State University,
Sacramento

Master of Science, Structural
Engineering
California State University
Sacramento

Registration/Certification

Registered Structural Engineer
California (#3962)

Registered Civil Engineer
California (#43698)

ICC Certified Building Official &
Plan Examiner

DSA Certified Access Specialist
(CASp) (#118)

Certified SWPP
Developer/Practitioner
(OSD/CSP)

Project Experience

Plan Review Engineer - TRB + Associates, San Ramon, CA

2016 - present

Provides life-safety and structural plan review support for residential, commercial, and industrial project types.

Principal – Nagel Engineering (Consultant)

2011 - 2015

Prepared plans, calculations, and specifications for architectural, structural and civil design projects as well as project management services. Performed Certified Access Specialist (CASp) inspections and prepared reports for compliance with State T-24 and federal ADA accessibility requirements. Served as an expert witness on inspections and written reports.

Development Services Direction – City of Redding

1996 - 2015

Coordinated and managed the land development process within the City. Developed and implemented City Council objectives as well as the department vision, mission and goals. Managed current and advanced planning, building inspections, code enforcement, land development, fire department plan review and inspections and a consolidated permit center. Provided expert witness in court. Prepared, managed and implemented an integrated land development management software system. Provided training, reviewed plans, developed policies and provided consulting services for the development community. Acted as SB 1608 required Certified Access Specialist (CASp) for the City of Redding.

Senior/Associate/Assistant, Junior Engineer – City of Sacramento

1985 - 1996

Supervised commercial and residential plan review, permit clearing house and permit center. Performed commercial plan review for compliance with accessibility, life-safety, and structural requirements from minor structures up to an including malls and high-rise office buildings.

Mike Kaszpurenko, SE, PE | Senior Plan Review Engineer**Education**

Bachelor of Science,
Civil Engineering, Clarkson
University, Potsdam, New York,
1976

Registration

Registered Structural Engineer,
California

Registered Civil Engineer
California

Professional Affiliations

Structural Engineers
Association of Northern
California (SEAONC)

FEMA Structural Specialist, for
Urban Search and Rescue, Task
Force 7, Sacramento, CA.

California Office of Emergency
Services Volunteer for post-
earthquake building review.

Mike Kaszpurenko is a registered Structural and Civil engineer with over 30 years of engineering experience. His experience encompasses the plan review, design, evaluation, and retrofit of various types of building and non-building structures using concrete, steel, masonry, wood, and light-gage metal.

Mike's experience includes working for a large structural steel fabricator where he was involved in detailing of shop drawings, design of connections, and on-site field review.

Select Project Experience**Industrial, Manufacturing**

- Corn Products Cogeneration Facility, Stockton, CA. Plan review of boiler building and miscellaneous foundations for new facility.
- Nine Mile Point Two Nuclear Power Plant, New York. Miscellaneous connection designs.
- Oswego Power Plant, Oswego, New York. On site engineer, for fabricator of breeching, during construction of oil-fired power plant.

Commercial / Government /Civic

- 600 Sutter, San Francisco, CA. New eight story building.
- 973 Market, San Francisco. Seismic upgrade of an existing 8 story brick and concrete building.
- Saks Fifth Avenue, San Francisco, CA. Foundation shoring for a new department store.
- El Camino Real Hotel, San Mateo, CA. Preliminary design of a new three-story hotel.
- 1989 Loma Prieta Earthquake, San Francisco, CA. Damage assessment of numerous apartment buildings and other structures for the City of San Francisco.
- City Center Rotunda, Oakland, CA. Upgrade of three, eight story adjacent buildings into one multifunction facility.

Education, Assembly / Healthcare

- Windsor Middle School, Windsor, CA. New \$11 million School Campus.
- Laguna Salada School District, Pacifica, CA. Survey of 12 school campuses for Pacifica School District.
- Clovis East High School, CA. Plan check review for the Office of the Office of State Architect on several buildings of a new campus.
- Kaiser Hospital Service Building, Walnut Creek, CA. New two-story support facility for a hospital.

Multi-unit Residential

- Winterland Apartments, San Francisco, CA. Engineer of record for a 304-unit apartment complex consisting of four stories of wood framing over several levels of concrete parking.
- Park Hill Terrace, San Francisco. Upgrade and extension of former 8 story hospital building into condominiums.

Work Experience

TRB + Associates, Inc. San Ramon, CA, 2009 - Present

Structural Engineers Collaborative, San Francisco, CA, 1986—Present

Culley Associates, San Francisco, CA, 1980—1986

H. J. Degenkolb & Associates, San Francisco, CA, 1978-1980

Cives Steel Corporation, Gouverneur, New York, 1976—1978

Daniel McLaughlin, PE | Senior Plan Review Engineer**Education**

Masters in Structural Engineering
Lehigh University
Bethlehem, PA

B.S Civil Engineering
Lehigh University
Bethlehem, PA

Registration

Registered Civil Engineer,
California

ICC Certified Plans Examiner

Professional Affiliations

American Institute of Steel Construction

Dan McLaughlin is a registered Civil Engineer and ICC Certified Plans Examiner with plan review experience on numerous residential and commercial projects. He has provided structural, life safety, and mechanical/electrical/plumbing, and energy reviews on a variety of residential and commercial project types. Project types include complex single-family homes, small to mid-sized retail shell buildings, office and mercantile tenant improvements, and mixed-use projects. Dan possesses strong structural analysis skills and has an excellent working knowledge of ADAPT, RAM, SAP2000, AutoCAD, Revit, and MathCAD structural engineering software packages.

**Work Experience****Plan Review Engineer, TRB + Associates, Inc.****2014 - Present**

- Review drawings and calculations for code compliance on behalf of client agencies
- Projects range from small residential to large apartment and office buildings
- Recently participated in structural review of 4 story 135,000 sf wood apartment building over 2 story PT parking garage
- Participated in structural review of a 6 story 133,000 sf steel buckling restraint braced frame office building
- Review a variety of wood, concrete, and steel building types
- Communicate with project engineers and architects on a regular basis

Engineering Assistant, Contra Costa County Sanitary District**2011 - 2014**

- Performed submittal check to ensure use of proper materials and equipment
- Created site maps to discover location of overflows in the event of clogs in the systems
- Performed sewer line inspections to ensure proper installation by contractor
- Supervised bore sight to allow continual work when lead engineer not on site

Engineering Internship, City of Pleasant Hill, Engineering Division**2007**

- Performed quality control of storm drainage system project
- Supervised ADA sidewalk installation to ensure proper installation by contractor
- Developed PowerPoint Presentation of the City department functions for the City Engineer

Residential Construction, McLaughlin Construction**2011, 2013**

- Extensive knowledge in residential wood construction. Restored Victorian home including repair and seismic retrofit of foundation, re-leveled house and conducted full replacement of electrical, plumbing and sewer line. Completed unfinished basement including framing, insulation, electrical, sheetrock and finish work

Collection System Operation Laborer, Contra Costa County Sanitary District**2009, 2010**

- Performed assigned duties on the hydro, rodding, construction, and utilities location crews

RESUMES

Clarice Shephard, Architect | Senior Plan Review Architect

Clarice Shephard is a licensed Architect with over 20 years of architectural experience encompassing commercial, healthcare, education, and single & multifamily housing project types. Clarice possesses non-structural code compliance review skills and has a strong working knowledge of accessibility requirements, including Americans with Disabilities Act and Title 24 California Building Code standards.

Her experience includes serving as a project architect and project manager responsible for design and construction oversight elements on multiple projects in both public and private sector settings.

Education

Master of Architecture, *with Distinction*
University of Michigan,
Ann Arbor, MI

Bachelor of Architecture
University of Arizona, Tucson,
AZ

Licenses/Certifications

Licensed Architect, California
(# C25918)

Select Project Experience**Plan Review**

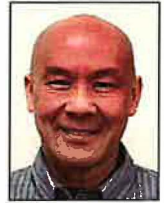
- Winter Park Apartments Fire Repair, Sacramento, CA
- De La Salle Academy, T.I., Concord, CA
- Coffee Company T.I., Walnut Creek, CA
- Restaurant T.I., Project Pi, Walnut Creek, CA
- Schools Financial Credit Union, Concord, CA
- Single Family Projects, Multiple Jurisdictions

Project Manager / Project Architect

- Park View Apartments: 288-unit Podium project with 4 levels of residential over 2 levels of parking, San Diego, CA
- The Venue at Saint Rose: 13 Podium buildings of five different building types (4 levels of residential over 1 level of parking and some retail), Las Vegas, NV
- One Steamboat Place: 85-unit resort style, mixed use high-rise project including parking structure. \$140 million project, Steamboat Springs, CO
- Peterson Middle School: Modernizations for Fire Alarm, & Science Shops; and new Library, Santa Clara Unified School District, CA
- Kaiser Permanente Medical Office Building: Accessibility Survey and Report, Stockton, CA
- Delta College: New Data Center, Stockton, CA
- Gavilan Community College: Social Science Building Modernization, Gilroy, CA
- Myogen Lab: Addition and remodel, Denver, CO
- Construction Administration on University Hospital Anschutz Inpatient Hospital, (\$96,000,000 construction project), Denver, CO
- Catholic Diocese of Stockton: Vietnamese Center, Lodi, CA
- Remodel project for Kaiser Permanente: Administration, education, pharmacy, offices and conference space, Modesto, CA
- Skilled Nursing and Acute Care Units at St. Dominic's Hospital, Manteca, CA

Work Experience

TRB + Associates, Inc., Plan Review Architect, 2014 - 2016, 2018 – Present
Kaiser Permanente, Project Manager, 2017
BFGC / IBI Group, Architect, 2009 - 2012
RNL Design, Project Architect, 2006 - 2008
MCG Architecture, Project Manager, 2005 - 2006
H+L Architecture, Project Architect, 1999 - 2004
Derivi Castellanos Architects, Architect, 1996 – 1999

Bing Young, Architect | Senior Plan Review Architect

Bing Young is a registered Architect with plan review experience on both residential and commercial projects. He provides comprehensive life safety, accessibility, energy, and mechanical/electrical/plumbing reviews on a variety of residential and commercial project types. Bing possesses over 25 years of professional experience which includes roles in production, project management, construction management, energy, and accessibility analysis.

Education

Bachelor in Architecture,
California Polytechnic State
University
San Luis Obispo, CA

Registration

Registered Architect, California

Professional Affiliations

National Council of
Architectural Registration
Boards Certified

ICC Member

Work Experience**Plan Review Architect, TRB + Associates, Inc.****2018 - Present**

- Review drawings and calculations for code compliance on behalf of client agencies
- Projects include residential subdivisions, custom homes, additions, remodels, new commercial buildings, and tenant improvements

Project Architect, PSM Architects, Inc.**2008 – 2018**

- Prepared and managed the development of comprehensive construction documents for new commercial buildings, tenant improvements, and additions
- Oversaw and directed production staff
- Performed quality control review of building permit submittal documents
- Facilitated client and permit processing meetings
- Collaborated with engineers, ancillary designers, and vendors
- Prepared and reviewed project specifications
- Reviewed shop drawings and submittals for compliance with specifications and design intent
- Performed accessibility evaluation of existing sites and buildings
- Prepared detailed accessibility reports for building and business owners
- Facilitated pre-construction and post-construction on-site meetings with construction project managers and general contractors
- Performed construction administration and project closeout duties

Staff Architect, Hollman Bologna Architecture & Planning, Inc.**1996 - 2008**

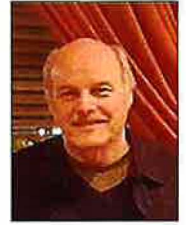
- Prepared schematic design and construction documents for single-family and multi-family residential remodels, additions, and new buildings
- Performed residential building reconnaissance for additions and remodel projects
- Prepared design review documents for planning approvals
- Facilitated building permit processing
- Prepared and reviewed Title 24 Energy Efficiency Compliance documents

Certified Energy Plans Examiner, BETA, Inc.**1993 - 1999**

- Reviewed and approved Title 24 Energy Efficiency Compliance documents for residential and non-residential buildings for local jurisdictions

James Johnson, E.E., QCxP | Senior Plan Review Engineer

James Johnson is a Registered Electrical Engineer (Hawaii), ICC Certified Electrical Plans Examiner, and Qualified Commissioning Services Provider (QCxP) with over 30 years of experience encompassing electrical engineering design and plan review. Mr. Johnson has provided electrical plan review on a variety of project types including commercial building, tenant improvements, and photovoltaic systems. In addition, Mr. Johnson has performed extensive power and lighting systems design, engineering and construction document production, and project management.

**Registration/Certification**

Registered Electrical Engineer – Hawaii

ICC Certified Electrical Plans Examiner

Qualified Commissioning Services Provider (QCxP)

Construction Quality Control Reviewer (CQCR)

Professional Affiliations

Illuminating Engineering Society (IESNA)

International Association of Electrical Inspectors

Building Commissioning Association (BCA)

International Code Council (ICC)

Volunteer Affiliations

Board Member,
Richmond High School
Engineering Academy Advisory Board
2014 – Present

Volunteer Writer/Coach,
El Cerrito and Richmond High Schools
2013 – Present

Select Skills / Project Experience

- Analyze permit submittal plan documents for conformance to adopted national, state, and city/county codes including NEC, NFPA, IBC, ICC and UFC standards.
- Conduct forensic electrical systems investigations to determine origin and cause failure of equipment and associated distribution systems including power, lighting and fire alarm with analysis and resolution of legally adopted Code compliance issues.
- Provide scheduled review as CQCR of electrical construction documentation with scheduled site inspection to assure quality construction in accordance with minimum codes and standards for U.S. government projects.
- Professionally managed a wide variety of governmental, commercial, institutional, and residential projects with associated commercial and emergency, renewable and non-renewable power, lighting, and telecommunication systems.
- Provided oversight of engineering skills development and implements of Engineers-In-Training. As a lead instructor at Leeward Community College, taught Math, English and Writing from high school through college freshman levels.
- Proficient in Microsoft Word, Excel, PowerPoint, Adobe Photoshop and Acrobat Pro, AutoDesk AutoCAD MEP 2013. Revit MEP 2013.

Work Experience

- Senior Plan Review Engineer, TRB + Associates, Inc., 2014 to Present
- Certified Electrical Plan Reviewer, City and County of Honolulu, 2013 to Present
- Senior Electrical Engineer/Project Manager, Moss Engineering, 2005 – 2013
- Office Manager, Senior Electrical Engineer, Tower Engineering, 2000 – 2005
- Senior Project Engineer/Manager, Applied Engineering, 1995 – 2000
- Lead Instructor, Office of Continuing Education and Training, Leeward Community College, Pearl City, HI, 1995 – 2000
- Senior Electrical Design/Project Manager, Bennett, Drane, Karamatsu Engineers, Honolulu, HI, 1985 – 1995

Steven Block, E.E. | Senior Plan Review Engineer

Steven Block is a highly skilled electrical engineer with over 25 years' experience in the electrical engineering field. His expertise includes electrical design and plan review for compliance with the National Electrical Code, California Electrical Code, California Energy Code, local ordinances, National Electrical Safety Code, California Electrical Code, California Energy Code, local ordinances, National Electrical Safety Code, OSHA and other applicable laws, ordinances, regulations and standards (LORS).

**Education**

B.S. Engineering, Physics
California State University,
Northridge, CA

Registration

Registered Electrical Engineer
California, Nevada, Arizona,
Hawaii

Projects reviewed for code compliance include commercial and industrial solar power plants, commercial natural gas power plants, wastewater treatment plants, and cement plants, industrial and commercial buildings, parking structures, hotels, and municipal utilities. Designed and provided construction support for traffic signals, highway lighting, closed circuit television, traffic monitoring stations, maintenance stations, and storm water pumping stations.

Work Experience**Senior Electrical Plan Review Engineer, TRB and Associates****2016 - Present**

- Plan review for residential, commercial, and industrial installations – Phillips 66 Naval Weapons Station, OSHPD 3 reviews for the City of Sacramento, Benicia Valero Refinery Audit, Child Daycare Center in Santa Clara, new apartments in Sacramento.

Senior Electrical Engineer, Private Consulting Firm**2004 - 2016**

- Plan review for code compliance and field inspector support – Silver State North Photovoltaic Generating Station, transmission lines, and high voltage substation (Nevada), Palomar Power Project (California), Panoche Energy Center (California), Abengoa Solar Thermal Generating Station and substation (California), Genesis Solar Collector Generating Station (California), Inland Empire Energy Center (California), Distributed Energy Partners Generating Stations (Hawaii), Various Wind Power Generating Stations in Solano County, CA, and other generating stations.
- Plan review for commercial and industrial installations – FBI Honolulu, Disney Hawaii, Fort Irwin Military Housing (California), various rooftop photovoltaic installations (Hawaii), Valero Refinery Benicia (California), Transmission Line Feeder for Concrete Plant (Nevada) and Various Cellular Tower Installations (Hawaii).

Alan Roth, E.E. | Senior Plan Review Engineer

Alan Roth is a registered professional electrical engineer with over 30 years of engineering experience. His experience encompasses extensive electrical systems design, quality control, and oversight roles at power plant and other industrial facility types. Past roles include working for Calpine, Inc. and Dow USA on power generation and chemical plant projects.

**Education**

B.S. Electrical Engineering
California State Polytechnic
University

Registration

Registered Electrical Engineer
California

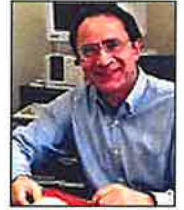
Work Experience**Senior Electrical Plan Review Engineer, TRB + Associates****2016 – Present**

- Conducts electrical code compliance plan review of industrial and power generation facilities. Currently assisting with plan review \$1 billion petrochemical refinery expansion project.

Electrical Engineering, Calpine Corporation**1998 – 2014**

During tenure at Calpine Corporation, held positions of Senior Electrical Engineer, Senior Project Engineer, Senior Operations Engineer, and Senior Electrical Engineer 3.

- Provided support for the design and construction of a new combined cycle power plants and installation of new combustion turbine generators in existing plants. Duties included:
 - Reviewed engineer's design documents for compliance with Calpine standards and proper interface with OEM documentation
 - Provided field support as required
 - Design
 - Management of capital projects
 - Analysis of protection and control systems
 - Root cause analysis and determination of corrective actions for equipment and protection system failures
 - Recommended predictive preventative maintenance
- Provided interface with consultants for complete protection reviews at 12 Calpine power plants in CA. Duties include:
 - Compiled all protection related drawings
 - Compiled any relay coordination and settings documents
 - Provided field support to consultants to verify drawings and actual protective relay settings
- Determined the preliminary conceptual design, using standard design guidelines for plants in development
- Interfaced with local utilities for new interconnections for projects in the development phase
- Represented Calpine to WECC and other regulatory bodies.
- Provided guidance to plants on maintaining compliance with regional and national reliability standards.
- Interfaced with local utilities for new interconnections for projects in the development phase.
- Represented Calpine to WECC and other regulatory bodies.
- Determine the specification of the major equipment to be selected for the projects as well as interfacing system design.
- Interfaced with utilities, steam hosts, gas suppliers, permitting agencies, consultants and other organizations involved with the development of power projects.
- Directed transmission consultants in initial studies for power plant siting.

Peter Kogan, M.E., LEED AP | Senior Plan Review Engineer**Education**

Master of Science, Mechanical Engineering, Moscow Aeronautical Institute, Russia

Registration/Certification

Registered Professional Mechanical Engineer: California, Hawaii, Nevada, Texas, Colorado, Arizona

Certified Energy Manager (CEM), State of California

LEED Accredited Professional

Peter Kogan is a licensed mechanical engineer with over 30 years of diversified experience in the construction industry. His expertise lies in the areas of design and construction administration for Heating, Ventilation and Air Conditioning, Plumbing, Fire Protection, Energy and Building Studies, and Value Engineering. In the past ten years he was responsible for the design and renovation construction of several historical preservation projects. Peter's extensive experience and personal attention to project details has always assured professional services performed within budget and to complete client satisfaction.

Peter has published several technical articles in the national magazine "Heating, Piping, Air Conditioning" and recently had an article published in the architectural magazine "Progressive Architecture". Peter has presented a technical paper on World Energy Congress in Atlanta, Georgia in 1990.

Select Project Experience**Healthcare**

- New Medical Facility, Nevada Air National Guard, Reno, NV
- Radiology/ Oncology Labs Renovation, Hospital Building, UCSF, San Francisco, CA
- Renovation of Buildings 210/212 & 301, Metropolitan State Hospital, Norwalk, CA
- Sonoma State Hospital, Central Plant HVAC Modifications, Sacramento, CA

Education, Assembly

- Wet Research Laboratories in Building 74, Lawrence Berkeley Lab, Berkeley, CA
- Medical Research Laboratories, Warren Hall, UC Berkeley, CA
- Calvary Church, Los Gatos, CA. New 80,000 sq.ft., 2-story Life Center with Classrooms, Multi-Use Room, Gymnasium, Meeting Halls, etc.

Multi-unit Residential

- New Condominium Complex, San Francisco, CA. New 7 Story Condominium Complex located at 1438 Green Street
- Military Housing and Commercial Facilities, NAS Fallon, NV. New 3 Building Housing Complex comprising 126 Bachelor Enlisted Quarter units & new base Administration, Maintenance, Shop and Storage Facilities.

Commercial

- The Disney Store, New Retail Store, Winward Mall, Kaneohe, HI
- Office Building, San Francisco, CA. New 3 Story Office Building located at 325 Pacific Avenue
- New Ruth's Chris Steak House Restaurant, The Montage, Reno, NV
- Foods Pilot Plant Expansion for Clorox Corporation, Pleasanton, CA

Government, Civic

- Renovation of 3-Building Command Headquarter Complex, Travis Air Force Base, Fairfield, CA
- New 2-story Fitness Center at Naval Postgraduate School, Monterey, CA
- New International Arrival Building, Oakland Airport, CA

Work Experience

TRB + Associates, Inc, 2008-Present
Peter Kogan Associates, Owner, 1988-Present

Gregory Mahoney, CBO, CASp | Chief Building Official

Gregory possesses 30+ years of combination building inspection experience in Northern California. He recently served the City of Davis as the Chief Building Official for over 14 years supervising plan checking operations, building inspections and permit processing. His experiences entail mechanical, electrical, and plumbing inspections, and code development in the building industry. His expertise spans from all aspects of residential building inspection.



As a collaborative leader, Greg provides exceptional leadership skills in teaching, training, and mentoring. He has positive working relationships with clients, management, as well as his peers and maintains high levels of productivity, reliability with excellent work ethic to deliver high quality customer service.

Gregory is also ICC certified in multiple areas including as a Building Official, Building Plans Examiner, Building and Combination Inspector, Residential, Mechanical, Electrical, and Plumbing, CAL Green Inspector, Building Code Specialist and more.

Work Experience
**Regional Representative for the Sacramento / San Joaquin Valley,
TRB + Associates, San Ramon**
2020 – Present

- Contract Building Official for major projects and jurisdictions on an as needed basis.
- Performs and supervises both residential, commercial, and industrial inspections of work in progress from start to finish projects.
- Communicates compliance elements with clients with solution driven resolve.

**Assistant Director Community Development and Sustainability,
Chief Building Official and Floodplain Manager, City of Davis, CA**
08/2006 – 08/2020

- Managed the City of Davis Building Division.
- Supervised staff, performed plan reviews as necessary, oversaw building inspection, plan review, resale inspection program and code enforcement.
- Managed sustainability program.
- Managed development in floodplain.

Adjunct Professor, Building Inspection Technology**Los Rios Community College District, Cosumnes River College****01/2005 – 05/2019**

- Instructor for the following courses: Introduction to the Building Code, Plan Reading and Non-Structural Plan Review, H.V.A.C. Code Requirements, Plumbing Code Requirements, Introduction to Inspection of Wood Framing, California Building Energy Efficiency Standards, HERS Verification and Testing, Fire and Life Safety Requirements, Topics in Green Building, Introduction to the International Residential Code, California Green Building Standards Code.

Linhart Petersen Powers Associates / Bureau Veritas**05/1999 – 08/2006**

- **Deputy Building Official, City of Elk Grove**
Supervised inspection staff of 11 Combination Inspectors; assisted Building Official in the management of the building department with the total of 25 staff members and a budget of \$5.9 million.

Education

Bachelor of Public Administration, University of San Francisco, San Francisco, California

Licenses and Certifications

- IAPMO Certified Mechanical Inspector
- IAPMO Certified Plumbing Inspector
- DSA Certified Access Specialist (CASp)
- LEED® Accredited Professional
- ASFPM Certified Floodplain Manager
- CAL-OES Safety Assessment Program, DSW-Coordinator, Instructor

ICC Certified:

- Building Official
- Plans Examiner
- Building Inspector
- Plumbing Inspector
- Mechanical Inspector
- Electrical Inspector
- Combination Dwelling Inspector
- Residential Building Inspector
- Residential Electrical Inspector
- CAL Green Inspector
- ICC Building Code Specialist

Professional Affiliations

California Building Standards Commission

- Chair -Code Advisory Committee, Green Building
- Chair -Code Advisory Committee PEME & Green (Intervening Cycle)

California Department of Housing and Community Development

- Visitability and Universal Design Steering Committee
- AB 2282 Recycled Water Steering Committee

International Code Council (ICC)

- Vice-Chair, Consensus Committee for Commissioning Standards
- Mechanical Exam Development Committee
- Contract Instructor (CALGreen, IRC)

(Cont'd)

Professional Affiliations (Cont'd)

Sacramento Valley Association of Building Officials (SVABO)

- Past-President
- Past-Chair, Code Development Committee
- Past-Chair, Outreach Committee
- Outstanding Contribution Award -2016, 2017, 2018
- President's Award -2012
- Code Development Award - 2008
- Honorable Member
- Instructor

Napa Solano Chapter of ICC

- Treasurer

California Building Officials (CALBO)

- Chair, Energy Commission Advisory Committee
- Building Official of the Year - 2016

▪ **CalPERS Headquarters, Chief Construction Inspector**

Responsible for oversight of all phases of construction inspection, special inspection and testing on a \$300,000,000 multi-use office building.

▪ **Inspection Services Manager**

Responsible for hiring, supervising, and evaluating all LP2A's inspectors in the Sacramento Valley region.

▪ **Project Manager, Earthquake Recovery Program, City of Napa**

Managed the Earthquake Recovery Program for the City of Napa following the September 3, 2000 earthquake. Established a separate building department for processing earthquake repair permits.

▪ **Combination Building Inspector, City of Sacramento**

Provided full range of building, plumbing, mechanical, and electrical inspections in residential, commercial, and industrial buildings.

▪ **Senior Building Inspector, City of West Sacramento**

Provide full range of building, plumbing, mechanical, electrical, fire alarm and sprinkler inspections in residential, commercial, and industrial buildings.

Combination Building Inspector, Plans Examiner, City of Pleasanton

10/1990 – 04/1999

- Plan check and inspect both commercial and residential projects.

• **Combination Building Inspector, Plan Examiner, City of Milpitas**

12/1988 – 10/1990

- Plan check and inspect both commercial and residential projects.

Douglas Simms, CBO, CASp, CHST | Supervising Inspector

Doug Simms has over 30 years of combination building inspection and plan review experience. He has been involved in numerous commercial and residential projects including high-tech clean room and complex electrical system installations. Doug can problem solve, and research processes involved in highly technical systems. During his career, he has been responsible for the oversight of field inspectors and other building department staff. Doug employs a customer service focus in carrying out his building safety inspection responsibilities.

**Education**

Certificate of Completion
Building Inspection
Butte Community College
Orville, CA

Certifications

Certified Building Official

Combination Building
Inspector

Plans Examiner

Building Inspector

Electrical Inspector

Plumbing Inspector

Mechanical Inspector

Green Point Rater

Certified Accessibility Specialist
(CASp)

Professional Affiliations

NECA East Bay Electrical Code
Committee
Past Chairman (3 years)

NECA East Bay Uniform Code
Committee
Past Member

Select Project Inspection Experience

- **Onsite Interim Supervising and Senior Inspector** – City of Tracy, CA (TRB and Associates). Over the past two years, served in Interim Supervising and Senior Inspector roles for the City. Provided inspection on several large-scale projects including distribution warehouses and multifamily projects. While serving as interim Supervising Inspector, coordinated closely with the building official and inspection team members, and mentored junior level inspectors.
- **Delegate Building Official Services, Inspector of Record** – California Energy Commission (TRB and Associates). Provided inspection, safety monitoring and onsite project review on four Power Plant projects having a combined power output of over 1,500 MW. Projects comprised both simple cycle and combined cycle power generation plants. Completed onsite inspections to verify project conformance to the California Building Standards codes, applicable project conditions of certification, and local ordinances, standards, and regulations. Provided oversight of all systems to verify compliance with design documents and governing codes and requirements. Role included preparation of daily and weekly project inspection reports. Doug served on the following power generation projects:
 - Russell City Energy Center (600 MW Combined-Cycle), Hayward, CA
 - Lodi Energy Center (296 MW Combined-Cycle), Lodi, CA
 - Almond 2 Power Plant (174 MW Simple-Cycle), Ceres, CA
 - Walnut Creek Energy Park Project (500 MW Simple-Cycle), Industry, CA
- **Acting Building Official** – Yolo County Building Division, Woodland CA (TRB and Associates). Acted as Interim Building Official from September 2013 through March 2014. Responsible for monitoring plan review, flood plain administration, and customer service activities. A large portion of Yolo County is in a high-risk flood zone; all projects and plan documents must be reviewed for compliance to adopted code and FEMA provisions for construction located in these areas.
- **Acting Building Official** – City of Oakley, CA (TRB and Associates). Served in the role of Acting Building Official for a 6-month assignment. While in role, coordinated with City Manager and provided management, plan review, inspection, and code enforcement related duties.
- **PG&E Training Center**, Livermore CA. This project comprised creating a leak detection training center for gas line workers. The project included an elaborate piping system used to simulate a commercial or a residential event scenario; a large rainwater containment system; and a helicopter landing pad.

Work History

TRB + Associates, Inc., 2011- Present, CBO | Supervising Building Inspector
City of Livermore, CA, 2001 - 2009, Building Inspector II
City of San Leandro, CA, 1990 - 2001, Senior Building Inspector

Ken Baker | Senior Building Inspector**Certifications**

ICC Certified Building Inspector

Ken Baker has over 30 years of experience in the construction sector encompassing building code inspection and interpretation, staff supervision, and project management. He has extensive experience working with architects, engineers, contractors, building department staff and other regulatory authorities to ensure compliance to adopted building code standards and local ordinances. His experience includes managing teams of over 15 staff members including field inspectors and support staff members.



Ken served as supervising inspector on numerous complex projects including high-rises, post-tensioned structures, non-building structures, cleanrooms, and unreinforced masonry (URM) building retrofits. He was responsible for oversight and coordination of inspection tasks numbering up into the hundreds per week. Ken has a successful track record of ensuring timely and high-quality inspections.

Select Project Experience

- In charge of facilitating URM building identification program in Concord. Led in identifying all URM structures located within City limits.
- Bank of America: Four new high-rise office buildings comprising an 8 story, 10 story, and two 6 story buildings. Also inspected accompanying two parking structures (garages PT).
- Tishman Building: 14 story office building with 2 levels below grade. Also inspected a separate 4 story garage which served building.
- Hilton Hotel: High-rise hotel project. Structural system comprised of post-tension and concrete shear wall construction. Complex foundation system included 4' diameter piers, embedded a minimum of 75' deep.
- Sun Valley Shopping Mall: Surveyed and inspected major fire damage repair project at mall. Also inspected later complete remodel of the mall.
- BEI Systron-Donner: Provided oversight of a major remodel of this high-tech accelerometer fabrication facility. Areas inspected included several cleanrooms.
- Willows Shopping Center: Provided inspection for approximate 250,000 s.f. center.
- Chevron Corporate Offices: Inspected construction of new Building 3 and cogeneration facilities.
- Holiday Inn Remodel: Major hotel remodel project which included several A occupancies.
- New Light Industrial Building Complex: Inspected 13 tilt-up structures.
- Residential Apartment Complexes: Have inspected numerous facilities of various size, up to 100 units.
- Auto Repair Spray Booths
- Medical Office Buildings (MRI and Radiation labs)
- Churches
- Multiple Subdivisions and Single Family Dwelling projects
- Public Storage Buildings

Work History

TRB + Associates, Inc., 2011- Present, Supervising Building Inspector
 City of Concord, 1977- 2008, Supervising Building Inspector
 City of Fairfield, 1975 – 1977, Senior Building Inspector
 Construction Contractor, Construction Foreman, Journeyman Carpenter
 8 years in the construction trades, with 3 years as a journeyman carpenter and 1 year as a construction foreman in multifamily and residential construction.

Monty Straub | Senior Building Inspector



Education

Certificate of Achievement,
Construction and Building
Inspection, Diablo Valley
College, CA

Certifications

ICC Certified Building
Inspector

ICC Certified
Mechanical Inspector

ICC Certified Plumbing
Inspector

ICC Certified Electrical
Inspector

ICC Certified
Combination Inspector

Monty Straub possesses over 25 years of experience in the construction and building & fire/life safety industry. For over 14 of those years, Monty served as a Building Inspector for Contra Costa County. He has extensive knowledge of the practical application and enforcement of adopted construction codes, standards, and local ordinances in construction inspection. Monty applies a customer service focus in carrying out his building safety inspection responsibilities.

Monty's professional inspection experience encompasses commercial, industrial, and residential projects. His experience includes serving as a Delegate CBO inspector on two power plant projects located in Contra Costa County. In that role, he provided daily inspections to verify compliance with all applicable laws, ordinances, and regulations, as required by the California Energy Commission.

Select Project Inspection Experience

- City of Walnut Creek Staff Augmentation Assignment - Building Inspector
- Served as Delegate CBO Inspector on the following California Energy Power Plant Projects located in Contra Costa County
 - Gateway / Mirant Energy Center (530 MW, Combined-Cycle Facility)
 - Delta Energy Center (880 MW, Combined-Cycle Facility)
- Provided code compliance inspection services at the Shell and Conoco/ Phillips Oil Refineries located in Contra Costa County.
- Inspected numerous commercial buildings, e.g., AAA Building in Walnut Creek
- Avalon 5 story multifamily residential project near Pleasant Hill Bart
- Stratford Sr. Housing in Pleasant Hill, CA
- Seeno Tract Subdivisions, Pittsburg CA
- Blackhawk Plaza shopping center remodel and addition, Blackhawk CA
- Several Custom Homes, Blackhawk CA

Work Experience

TRB and Associates, Inc., Senior Building Inspector, 2012 - Present
Contra Costa County, Senior Building Inspector, 1997 - 2011
Straub Construction, Independent Contractor, 1984 - 1996

Kevin Mulcahy | Building Inspector**Education**

Humboldt State College,
Arcata, CA

Kevin Mulcahy has over 30 years of experience in the fire and life safety industry. He has 15 years of working experience in the public sector serving as plan reviewer and building inspector for the City of Concord Building Department and Contra Costa County Fire Prevention District.

In addition to Kevin's extensive knowledge of building and fire code standards, his experience working for a general contractor has allowed him to provide excellent customer service while performing over the counter plan reviews to the general public.

He has held ICBO Certifications in Plan Review and Building, Plumbing and Mechanical Inspection, as well as being certified in the National Fire Protection Agency Fire Code.

Select Project Experience

- Serve in role of as-needed Building Inspector. Currently on assignment at the Cities of Martinez and El Cerrito.
- Served as plan reviewer and senior inspector for The City of Concord, Building Department for projects ranging from conventional construction for single family dwellings, commercial tenant improvements, to high rise buildings.
- Served as plan reviewer for the Contra Costa County Fire Prevention District (CCCFPD) for non-structural commercial plans to verify compliance with NFPA Fire Codes, standard building codes and local ordinances.

Work Experience

TRB + Associates, Inc. Building Inspector, 2012 - Present
 City of Concord, Building Dept. CA, Senior Inspector/Plans Examiner, 1999—2009
 Contra Costa County Fire Prevention District, Plan Reviewer, 1995—1999
 City of Pleasant Hill, CA, Plan Reviewer and Building Inspector, 1985—1994
 Lester Enterprises, Oakland, CA, 1980—1994

Jacqui O'Keefe | Document Control**Education**

Bachelor of Arts, Chico State University

Licenses/Certifications

Plans Examiner, ICC

Residential Energy Inspector /Plans Examiner, ICC

NFPA 472 Hazardous Materials Awareness

Jacqueline (Jacqui) has extensive experience working as both an ICC Certified Plans Examiner as well as a Permit Technician. This experience includes reviewing commercial, industrial, and residential projects for multiple jurisdictions. She is skilled in the application of building practices; regulatory compliance issues involving federal, state and local requirements. Her broad background in coordinating projects ensures a high level of customer satisfaction. This includes extensive building and life safety experience for numerous jurisdictions throughout California.

Work Experience**Plans Examiner | Permit Technician, TRB + Associates****2017 - Present**

- Reviews plans for new residential, additions, improvements, and light commercial projects.
- Assists clients with questions and inquiries
- Manages the demands of multiple jurisdictions
- Assist with Document Control for various projects
- Contract Permit Technician for jurisdictions on an as needed basis.

Plans Examiner | Permit Technician, Bay Area Municipal Consultant**2013 –2017**

- Provided plan review of residential and commercial projects, including additions and tenant improvements.
- Contract Permit Technician for multiple jurisdictions
- Document Control for various high scale commercial and power plant projects.

Event Director | Office Manager– Bay Area Catering**2009 - 2011**

- Responsible for all aspects of event management, including preparing proposals/contract negotiation, discussing rental upgrade options with clients, developing event timelines with clients, developing menus, working with outside vendors, and arranging rentals for events.
- Recruited, trained, delegated, coached, motivated, and evaluated the performance of staff for all events. Inputted, retrieved, and updated event setup information and produce event reports through a computerized event management system.

Event Director | Office Manager– East Bay Golf Course**2004 - 2009**

- “Command Center” for office, handled issues/problems. Relayed accurate information to and from sales staff, chef, employees, and managing partner. This included guest counts, menus and tastings, location, and timing. Created a monthly binder of all events and staffing for managing partner, chef, and sales staff. Acted as the office administrator, answering phones, e-mails, scheduling meetings and conferences, managing transportation and travel, mail processing. Proficient in Microsoft office programs (word, excel), a variety of email systems (1and1, outlook). Proficient in QuickBooks including invoicing, billing, payroll, bill pay, and running reports. Managed the office schedule for all staff (front and back of house production) and oversaw sales staff appointment setting. Tracked all accounts payable and receivable, maintained working relationships with vendor billing departments and processing client payments. Created budgets, tracked inventory, completed profit and loss sheets.

Resources and Capability to Perform

TRB and Associates, Inc. (TRB) confirms that our firm has sufficient staff resources and capability to perform the work specified in the City's Request for Proposal within the proposed contract specified time frames, or on an on-call basis.

TRB has extensive resources and a large pool of licensed engineers and certified building safety experts, equipped to handle a wide range of building department needs. The majority of our services are delivered on an as-needed, ongoing basis. Having a large pool of resources allows us to accommodate existing and future workload effectively. To confirm, we do not have any current or anticipated engagements which would affect our ability to staff for this assignment - we are committed to supporting the City of Los Altos and have resources available for the anticipated needs noted in the City's RFP.

Staff Member Qualifications

TRB team members possess multiple certifications and registrations to assure compliance with all requirements mandated by the State and local jurisdiction ordinances. Our team comprises of individuals who are either engineers or architects licensed in the State of California, or who possess ICC certifications in their respective disciplines. Of note, our team includes 8 licensed Structural Engineers. In addition, our staff includes 4 LEED® Accredited Professionals and 5 CASp certified individuals. The majority of our staff possesses a combination of these industry-recognized credentials.

Our staff members are regular instructors and attendees at construction code and standards training offered through the local ICC Chapters, CALBO, CBOAC, SEAOC, AISC, ASCE, NFPA and other building industry organizations. In addition, several of our staff members are current or past board members with industry organizations and as such, are well aware of many aspects of the development of relevant construction codes. Staff experience encompasses a full range of construction types and occupancies including the following:

- | | | |
|----------------------------------|-----------------------------------|---------------------------------|
| ✓ Assembly Occupancies | ✓ Medical Office Buildings | ✓ Gas Stations |
| ✓ Commercial Tenant Improvements | ✓ Mixed-Use Projects | ✓ Hazardous Chemical Facilities |
| ✓ Detention Facilities | ✓ Multi-Family Dwellings | ✓ High Rise Buildings |
| ✓ Distribution Centers | ✓ Office Buildings | ✓ Hospitals |
| ✓ Hotels | ✓ Steel Buildings | ✓ Retail Centers |
| ✓ Industrial/Storage Warehouses | ✓ Parking Structures | ✓ Schools |
| ✓ Malls | ✓ Power Plant Facilities | ✓ Single Family Dwellings |
| ✓ Manufacturing Facilities | ✓ Recreation/Gymnasium Facilities | ✓ Sports Arenas |
| ✓ Restaurants | ✓ Theaters | |

Workload Accommodation | Timeliness of Response

It is understood that there are often periods of time where workload extends beyond what may be normally expected. We would like to highlight that our firm has a system in place to accommodate such peaks without compromising turnaround or quality. We have a large number of qualified and experienced team members who we access to assist at times of high workload or emergency need. In the event of a local, regional or national emergency or disaster, our assigned staff are ready and available to immediately respond to a disaster and provide assistance as needed. Many of our technical staff members possess SAP/ATC-20 post-disaster evaluator certification and have experience with providing disaster response support to municipalities. To illustrate, TRB was able to mobilize a team to provide same-day post-disaster engineering and inspection support to the County of Vallejo in response to the August 24, 2014 Napa Earthquake.

Management of Onsite, As-Needed Staff

TRB and Associates regularly loans staff to provide onsite, as-needed support to Building Departments located in the San Francisco Bay Area region. Loaned staff positions include plan reviewers, inspectors, chief building officials, and permit technicians. For engagements where we have placed personnel, our TRB project manager regularly checks in with our assigned staffmembers and monitors timesheets and any additional tracking information required by our clients to ensure contract terms are met.

Client References

TRB and Associates, Inc. (TRB) understands the importance of maintaining a high level of quality and customer service, when supporting the City of Los Altos with plan reviews, building inspections, and other Building and Safety related activities. The following references are clients of TRB and Associates who have worked directly with our Principal & proposed Project Manager, Todd Bailey. We encourage you to contact the following references to provide testimony of our performance of work. Please note that additional references are available upon request.

City of Los Altos

Contact:

Kirk Ballard | Chief Building Official
One North San Antonio Road, Los Altos, CA 94022
Email: Kirk.Ballard@ci.los-altos.ca.us
Phone: (650) 947-2634
Dates of service: 2008 – present



Services Provided: Plan Review, Permit Technician, and Building Inspection

City of Concord

Contact:

Ryan Pursley, P.E. | Chief Building Official
1950 Parkside Drive, Concord, CA 94519
Email: ryan.pursley@ci.concord.ca.us
Phone: (925) 671-3119
Contract dates of service: 2008 – present



Services Provided: Onsite Building Official, Plan Review, Permit Technician, and Building & Multifamily Inspections

City of Oakland

Contact:

Alain Placido, S.E. | Supervising Civil Engineer – Building Plan Review Supervisor
250 Frank H. Ogawa Plaza, Ste 315, Oakland, CA 94612
Email: agplacido@oaklandnet.com
Phone: (510) 238-7110
Contract dates of service: 2017 – present



Services Provided: Plan Review

REFERENCES

City of MilpitasContact:

Sharon Goei, P.E. | Chief Building Official
 455 E. Calaveras Blvd., Milpitas, CA 95035
 Email: sgoei@ci.milpitas.ca.gov
 Phone: (408) 586-3260

Dates of service: 2017 – present

[Note: Also provided services to Ms. Goei at 2 previous agencies: Santa Clara and Walnut Creek since 2008]

Services Provided: Plan Review, Inspection, and Permit Technician Support

**City of Redwood City**Contact:

Darcy Axiaq | Inspection Services Manager
 1017 Middlefield Road, Redwood City, CA 94063
 Email: daxiaq@redwoodcity.org
 Phone: (650) 780-7358

Dates of service: 2017– present

Services Provided: Plan Review and Permit Technician Support

**City of Sacramento**Contact:

Winfred DeLeon, P.E. | Chief Building Official
 300 Richards Blvd., 3rd Floor, Sacramento, CA 95811
 Email: WDeleon@cityofsacramento.org
 Phone: (916) 808-5475

Contract dates of service: 2007 – present

Services Provided: Plan Review, Inspection, and Permit Technician Support



Project Experience

TRB and Associates, Inc. has extensive experience providing Building Department Services to municipal agencies. To help demonstrate our experience, we have included summary level client / project experience for your reference and information. Of note, in our 13 years proudly serving the City of Los Altos, we have completed a range of project types spanning single family residential projects to large-scale retail, multi-family development and commercial projects. Please note that additional information on projects worked on by each proposed individual is included in the enclosed resumes in Section 3 – Resumes.

Staff Experience - Plan Review

The following is a partial list of plan review projects worked on by our staff members. The project valuation for all below-referenced projects ranges from \$1 million to over \$1 billion.

Mixed Use

- Los Altos Gardens Townhome, Residential/Retail/Parking Garage (230,000 s.f.), Los Altos, CA
- New 39-Story High Rise Building, \$110 million, 916 Broadway, Oakland, CA
- Inglewood NFL Stadium, \$1 billion, Inglewood, CA
- Mixed-use Residential/Office, 630 I Street, Sacramento, CA
- Santa Clara Square Project, \$200 million, Santa Clara, CA



Biotechnology / Healthcare

- UC Davis Aggie Square Research Facility, \$1.9 billion, Sacramento, CA
- Varian Inc. New Medical Research Facility (44,000 s.f.), Walnut Creek, CA
- Children's Hospital TI, \$37 million, Walnut Creek, CA
- Kaiser Medical Office Building 2, \$100 million, Redwood City, CA
- UC Davis Heath System, Midtown Clinic (100,000 s.f., I2.1 & B occs), Sacramento, CA



Government / Civic

- Sacramento Convention Center Expansion, \$240 million, Sacramento, CA
- Anaheim Convention Center Expansion, Anaheim, CA
- Veteran's Administration, Menlo Park Campus
- Fire Station Remodel & Addition (12,000 s.f.), County of Marin, CA



Commercial

- Packard Foundation Headquarters, Los Altos, CA
- New Neiman Marcus Building, Walnut Creek, CA
- New Charles Schwab Building, 1231 S. California Blvd, Walnut Creek, CA
- New 6 Story Tech Campus Building, San Leandro, CA
- Monterey Bay Aquarium Learning Center, \$42 million, Monterey, CA



Industrial and Power Plant Cogeneration Facilities

- Delegate CBO Services, California Energy Commission
 - Lodi Energy Center Project (300 MW), Lodi, CA
 - Russell City Energy Center Project (560 MW), Hayward, CA
- SPG Solar Depot Park, Photovoltaic Array (2.1 MW), Sacramento, CA
- Valero Petroleum Refinery Capital Improvements, Benicia, CA

Residential / Residential Care Facilities

- The Terraces Phase II (Res. Care Facility), Los Altos, CA
- Atria Senior Living (Residential Care Facility), Walnut Creek, CA
- Brio Apartments, Walnut Creek, CA
- Valley Vista Senior Housing Complex (Res. Care Facility), San Ramon, CA
- Campus Crest Apartment Complex (240,000 s.f.), Sacramento, CA



Staff Experience - Inspection / Code Enforcement / Building Department Administration

The following is a partial list of Inspection and Administrative assignments worked on by our staff members:

General

- Building Official: City of Concord, California Energy Commission, City of Signal Hill, City of Whittier, City of Palos Verdes Estates
- Combination Inspection: City of Walnut Creek, City of San Leandro, City of San Ramon, City of El Cerrito, City of Concord
- Code Enforcement and Multifamily Inspection: County of Solano, City of Concord, City of Antioch, City of Benicia
- Permit Technician: City of Los Altos, City of Redwood City, City of Santa Clara, City of Vallejo, City of Concord
- OSHPD-3 Inspection: City of Walnut Creek, City of Sacramento
- Delegate CBO Services: California Energy Commission: Russell City Energy Center Project, Hayward, CA; Mountainview Power Plant, Redlands, CA; Almond 2 Power Plant, Ceres, CA

Project Inspection Assignments

- Hacienda Gardens Apartments, Dublin
- Fremont Bayside Condominiums, Fremont
- Hollis Street Lofts, Live-Work Condominiums, Emeryville
- Signature Properties Condominiums, Concord
- Hacienda Crossings Shopping Center and 20-plex Theatres, Dublin
- Chiron Life Science Medical Research Laboratories, Emeryville
- Lucky's Regional Distribution Center, San Leandro
- Ikea Showroom and Parking Garage, Emeryville
- Fremont Police Administration Facility, Fremont
- Wood Fin Suites Hotel, Emeryville
- Solano Government Center, Fairfield



Representative Client List

The following is a partial list of California agencies currently or previously served by our staff members.

LOCAL AGENCIES – NORTHERN CALIFORNIA		
City of Benicia	City of Oakley	City of San Ramon
City of Concord	City of Pleasant Hill	City of Santa Clara
City of Daly City	City of Redwood City	City of Vallejo
City of Dublin	City of Richmond	City of Walnut Creek
City of Fremont	City of Sacramento	County of Butte
City of Los Altos	City of San Jose	County of Marin
City of Monterey	City of San Leandro	County of Merced
City of Oakland	City of San Mateo	County of Sonoma
LOCAL AGENCIES – SOUTHERN CALIFORNIA		
City of Anaheim	County of San Bernardino	City of Irvine
City of Signal Hill	City of San Bernardino	City of Jurupa Valley
City of Whittier	City of Fullerton	City of Indian Wells
City of Corona	City of Brea	City of Laguna Hills
City of Downey	City of Orange	County of Ventura
City of Glendale	City of Yorba Linda	City of El Monte
City of Pasadena	City of Costa Mesa	City of Palos Verdes Estates
STATE AND FEDERAL AGENCIES		
California Energy Commission	Division of the State Architect	Veterans Administration
NASA	UC Davis Health	UC Berkeley

Fee Schedule

As directed in the City's RFP, Fee Schedule information has been provided in a separate sealed envelope which is included in our proposal remittance package.

SCHEDULE OF PLAN REVIEW TURN-AROUND TIMES

Schedule of Plan Review Turnaround Times

The following represents our typical plan review turnaround schedule. In general, plan review turnaround timeframe is ten (10) business days for initial reviews and five (5) business days for rechecks and revisions. Timeframes for large-size projects will be confirmed with City staff prior to proceeding with the review. Please note that timeframes can be modified to meet the City’s specific needs.

TYPE OF PROJECT	TURNAROUND TIME*		
	INITIAL CHECK (WORKDAYS)	RECHECK (WORKDAYS)	REVISION/ PLAN CHANGE
Single Family Dwellings/Multi-Family/Additions/ Remodels & similar	Within 10	Within 5	Within 5
Tenant Improvements/Commercial/ Industrial Projects & similar	Within 10	Within 5	Within 5
Complex Commercial/Industrial Projects	Within 15	Within 10	Within 10
Expedited	Within 5 or less	Within 5 or less	Within 5 or less

**Unless otherwise mutually agreed upon*

Please note that the turnaround timeframe for providing expedited and express plan reviews would be negotiated/mutually agreed upon prior to commencement of the review.

Electronic Submittal Review Process

The staff of TRB have been leaders in the field of digital plan review and workflow management and have over 15 years of experience in plan review in the digital environment, which includes providing current electronic plan review support to the City of Los Altos Building Division. Because of our specific experience with Los Altos, we are familiar with all steps and protocols the City has in place for its electronic plan review process, summarized very briefly as follows:

- TRB receives plan documents from City via Sharepoint link (PDF format typical).
- TRB issues plan review comments back to City in PDF format via email.
- Upon completion of plan review, TRB applies electronic Reviewed for Code Compliance stamp to plan documents and forwards all documentation to City via email and/or online platform link (e.g. Dropbox).

We also understand that the City is currently working with a software vendor on a new electronic plan review platform. As noted earlier in this proposal, TRB staff have worked with many electronic plan review platforms including DigEplan, Bluebeam, Trackit, Accela, ProjectDox, ePlans, and more; so whatever system is ultimately settled on, the City can be assured that our team will be able to provide support to the City on its new platform with minimal to no training.

Online Plan Check Status and Records

Also as mentioned earlier, as an added resource, TRB can initiate its Project Website for use on this assignment at the City's discretion to facilitate access to plan review findings and status information. Through the project website, all correspondence issued by our team can be posted and maintained for access by City and designated project stakeholder staff. In addition, if so desired by the City, we can also accommodate incoming electronic document postings (i.e. electronic plans, calculations, RFI's, etc.) to allow a paperless review of the project.

COVID-19 Pandemic Consideration

As a result of the ongoing COVID-19 pandemic, we know that many public agencies are continuing to operate with reduced onsite staffing and restricted office and counter hours. With many staff members working from home, accommodation of alternative ways of doing business, including the deployment of electronic plan review processes, has become the norm.

As part of this consideration, the team at TRB has available to our public agency customers a stand-alone and simple method for the intake, review, and routing of electronic plan documents available for their use. This alternate to hardcopy plan document submissions has been quickly set up with several of our client agencies to help maintain plan review processing continuity, and may be supported by remotely-located staff members. With this method, no system-level implementation or integration into existing agency software is required. We are prepared to discuss our platform should the City of Los Altos be interested in exploring this as an option.



tools to use now.

- 1** A simple Electronic Plan Review method: paperless, touch-free, and activated within 24 hours of request.
- 2** Essential Services Inspectors. Experienced Professionals ready to go.
- 3** Online meetings, emails, virtual inspections. Our staff is accessible to you and your customers.

Rate Schedule

TRB and Associates offers the following fixed-fee and hourly rate schedules for services provided. Please note that Building Plan Review services are rendered on either a fixed fee or hourly rate basis, as noted below. If additional services are requested such as Building Inspection, Permit Processing, Staff Augmentation and Other services (e.g. CASp consulting), those services can be provided on an hourly basis at rates shown in the provided Schedule of Hourly Rates and Reimbursables.

Plan Review Services

Our plan review fees may be calculated as a percentage of the Building Division Plan Check Fee collected by the City. The fee compensation shown covers three total plan review cycles – the initial plan review and two rechecks. Any further review cycles which become necessary and reviews of revisions to approved plans would be billed based upon a negotiated hourly rate. Please note that the turnaround timeframe for providing expedited and express plan reviews would be negotiated/mutually agreed upon prior to commencement of the review. Please also note that all plan reviews are subject to a minimum \$250 fee.

Turnaround Timeframe* (in business days)	Structural Only Review	M/E/P Only Review	Complete Review (Structural, Life Safety/Disabled Access, M/E/P, Green, Title 24 Energy, Grading)
Standard: (Up to \$3 million project valuation) - 7-10 days first check - 5 days rechecks	45%	45%	65%
Standard: (Over \$3 million project valuation) - 10 days first check - 5 days rechecks	40%	40%	55%
Expedited** - 5-7 days first check - 5 days rechecks	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent

* For exceptionally large/complex projects, 15-day first check and 10 day rechecks may apply, as mutually agreed upon prior to commencement of review.

** Turnaround timeframe would be mutually agreed upon prior to commencement of work.

*** Note: For other review scope combinations not specifically identified in the above table (e.g. Electrical Only, Mechanical/Plumbing Only, etc.), the fee compensation would be on an hourly basis.

Please note that the pickup, shipment, and delivery of hardcopy and/or electronic plan documents and other relevant correspondence to the City is included in the above-noted cost.

FEE SCHEDULE**Schedule of Hourly Rates and Reimbursables**

The following billing rates apply for services rendered on an hourly basis:

<u>Position</u>	<u>Hourly Rate</u>
Principal	\$165.00
Project / Division Manager	\$150.00
Building Official	\$150.00
Assistant Building Official	\$140.00
Plan Review Task Leader	\$140.00
Senior Plan Review Engineer/Architect	\$125.00
Senior Plans Examiner (Building & Fire)	\$120.00
Plan Review Engineer/Architect	\$115.00
Plans Examiner (Building & Fire)	\$105.00
Engineering Technician	\$ 90.00
Permit Technician III	\$ 85.00
Permit Technician II	\$ 75.00
Permit Technician I	\$ 65.00
Clerical/Admin	\$ 58.00
Fire Protection Engineer	\$195.00
CASp Certified Inspector/Examiner	\$125.00
Grading/Storm Water Plan Review Engineer	\$195.00
QSP Storm Water Inspector	\$185.00
Inspection Task Leader / Inspector of Record	\$135.00
Supervising Inspector	\$120.00
Senior Inspector III	\$110.00
Senior Inspector II	\$100.00
Senior Inspector I	\$ 95.00
Inspector II	\$ 85.00
Inspector I	\$ 80.00
Intern Inspector	\$ 65.00

- Overtime, Emergency, Expedited, and After-hours work is billed at the above-noted rates plus an additional 50 percent (Note that no overtime will be charged without client authorization)
- Project inspections subject to prevailing wage requirements are at the above-published rates plus 30 percent.
- All requested inspection and other staff-augmentation services are subject to a minimum 4-hour fee.
- Reimbursement for direct expenses, incurred in connection with the work, will be at cost plus 15 percent.
- Reimbursement for non-City vehicles used in connection with the work will be at the current IRS rate plus 20 percent per mile.
- Other in-house charges for prints, reproductions and equipment use, etc. will be at standard company rates.

The above Schedule is valid through June 30, 2022 and may be adjusted thereafter to account for CPI changes, as mutually agreed upon.



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Construction Contract: On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services (FY 2021-2022)

Prepared by: Grant Gabler, Maintenance Supervisor

Reviewed by: Manuel Hernandez, Maintenance Services Director

Approved by: Gabriel Engeland, City Manager

Attachment:

1. Bid Summary for On-Call Sanitary Spot Repairs and CCTV Inspection Services (FY 2021-2022)

Initiated by:

City Council/ Maintenance Services Department

Previous Council Consideration:

None

Fiscal Impact:

The project will have a not-to-exceed cost of \$100,000, as budgeted in FY 2021/22 budget.

- Breakdown of funds to be used:
 - o \$100,000 from the Sewer Fund, per approved sewer maintenance budget
- Amount already included in approved budget: Y
- Amount above budget requested: 0

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301 (c) Improvements of Existing Facilities

Policy Question(s) for Council Consideration:

- None

Summary:

- The project includes on-call repairs to the City's sanitary sewer system on as-needed basis as well as Closet Circuit Television (CCTV) inspection of various size sanitary sewer pipes

Staff Recommendation:

Authorize the City Manager to execute a not-to-exceed contract with C2R Engineering, Inc., in the amount of \$100,000 to provide on-call sanitary sewer spot repairs and CCTV inspection services

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Construction Contract: On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services (FY 2021-2022)

Purpose

Authorize the City Manager to execute a not-to-exceed contract with C2R Engineering, Inc., in the amount of \$100,000 to provide on-call sanitary sewer spot repairs and CCTV inspection services

Background

The City's Maintenance Department maintains a long list of sewer system deficiencies that require spot repairs. In order to make progress on those repairs and plan for emergency repairs, the City requested bids for On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services.

Discussion/Analysis

On June 29, 2021, the City opened two bids for On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services. The bid results are included in Attachment 1

It is recommended that the award of the not-to-exceed \$100,000 contract be made to C2R Engineering, Inc., which was determined to be the lowest responsive bid. C2R Engineering, Inc. has been in business since 2014 and has satisfactorily completed similar projects for the City of Los Altos, City of Mountain View, Town of Los Altos Hills, and other local agencies. C2R Engineering Inc, has previously completed On-Call Sanitary Sewer Spot Repairs and CCTV Inspections Services for the City of Los Altos in a satisfactorily and timely manner

Options

- 1) Award the not-to-exceed \$100,000 contract for On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services (FY 2021-2022) to C2R Engineering, Inc., and authorize the City Manager to execute a contract on behalf of the City

Advantages: The Fiscal Year 2021/22 sewer spot repairs could be completed in a timely manner in order to maintain and ensure the proper functioning of the City's sanitary sewer system

Disadvantages: None

- 2) Re-advertise for bids

Advantages: None

Disadvantages: The necessary sanitary sewer spot repairs would be delayed due to time spent advertising for bids

Recommendation



Subject: Construction Contract: On-Call Sanitary Sewer Spot Repairs and CCTV Inspection Services (FY 2021-2022)

The staff recommends Option 1.

CITY OF LOS ALTOS

2021 On-Call Sewer Spot Repairs and CCTV Inspection Services Project - Bid Summary

Services and Pricing

ITEM NO.	APPROXIMATE QUANTITY/ UNITS	ITEM DESCRIPTION AND UNIT PRICE	C2R	EPS Inc., dba
			Engineering Inc.	Express Plumbing
			UNIT PRICE	UNIT PRICE
1	EA	Replace 6 LF of 4-inch sanitary sewer lateral at a depth of 4 ft to 9 ft as specified, including TV inspection prior to replacement and restoration, complete in place	\$4,800.00	\$4,800.00
2	EA	Replace 6 LF of 4-inch sanitary sewer lateral at a depth of 10 ft to 15 ft as specified, including TV inspection prior to replacement and restoration, complete in place	\$5,000.00	\$5,200.00
3	EA	Replace 6 LF of 4-inch sanitary sewer lateral at a depth of 16 ft and deeper as specified, including TV inspection prior to replacement and restoration, complete in place	\$5,300.00	\$5,800.00
4	EA	Replace 6 LF of 6-inch sanitary sewer main at a depth of 4 to 9 ft as specified, including TV inspection prior to replacement and restoration, complete in place	\$5,000.00	\$5,500.00
5	EA	Replace 6 LF of 6-inch sanitary sewer main at a depth of 10 to 15 ft as specified, including TV inspection prior to replacement and restoration, complete in place	\$5,200.00	\$6,000.00



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Resolution No. 2021-45: Sanitary Sewer Video Inspection, Project WW-0101119

Prepared by: Thanh Nguyen, Senior Civil Engineer

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment:

1. Resolution No. 2021-45

Initiated by:

City Council, CIP Project WW-0101119

Previous Council Consideration:

January 28, 2020

Fiscal Impact:

The table below summarizes the final costs of the Sanitary Sewer Video Inspection, Project WW-0101119. Total savings of \$62,589 will be forwarded to the next Sanitary Sewer Video Inspection project.

Project Item	Project Budget	Final Cost
Design	NA (in house)	NA (in house)
Construction	\$336,251	\$336,251
Inspection and testing services	\$10,000	\$0
Printing/Environmental Doc/Misc.	\$3,000	\$849
Construction contingency (15%)	\$50,438	\$0
Total	\$399,689	\$337,100

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301 (c)

Policy Question(s) for Council Consideration:

Not Applicable

Summary:

- Adopt Resolution No. 2021-45 accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101119

City Manager

GE

Reviewed By:

City Attorney

JH

Acting Finance Director

JM



Subject: Resolution No. 2021-45: Sanitary Sewer Video Inspection, Project WW-0101119
Acceptance

-
- Authorize the Engineering Services Director to record a Notice of Completion as required by law

Staff Recommendation:

Move to adopt Resolution No. 2021-45 accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101119; and authorize the Engineering Services Director to record a Notice of Completion as required by law



Subject: Resolution No. 2021-45: Sanitary Sewer Video Inspection, Project WW-0101119 Acceptance

Purpose

Accept completion of the Sanitary Sewer Video Inspection, Project WW-0101119.

Background

Engineering Services Department prepared the bid documents for the Sanitary Sewer Video Inspection, Project WW-0101119. On March 16, 2020, Pipe and Plant Solutions, Inc., was awarded the Total Bid for Project WW-0101119 in the amount of \$336,250.75.

Discussion/Analysis

Pipe and Plant Solutions, Inc. completed the construction for the Sanitary Sewer Video Inspection, Project WW-0101119 per plans and specifications. The project bid items consisted of performing cleaning and television inspections of approximately 118,160 linear feet of various sanitary sewer lines ranging from 4 inches to 15 inches in diameter. Approximately 104,160 linear feet and 14,000 linear feet were included under the scope of work for the Base Bid and Add Alternate Bid No. 1 respectively. Work was performed at various locations throughout the southern part of the City. Television inspections included standard pipeline defect identification and assessment for use in future evaluation, planning, and prioritization for sewer repair and replacement projects.

Traffic control was carefully planned to minimize impacts to the community during the cleaning and television inspection. The cleaning and television inspection of the sewer lines were successfully completed at the end of May 2021. No change orders were issued during the construction. The total final project cost is \$336,250.75 which is equal to the original contract amount.

Options

- 1) Adopt Resolution No. 2021-45 accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101119; and authorize the Engineering Services Director to record a Notice of Completion as required by law.

Advantages: The 5% retention to the Contractor will be released 35 days after the Notice of Completion is recorded and the savings of this annual project can be transferred to the next CIP project for Sanitary Sewer Video Inspection.

Disadvantages: None

- 2) Do not adopt Resolution No. 2021-45 accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101119; and do not authorize the Engineering Services Director to record a Notice of Completion as required by law.



Subject: Resolution No. 2021-45: Sanitary Sewer Video Inspection, Project WW-0101119
Acceptance

Advantages: None

Disadvantages: The recordation of the Notice of Completion and the release of the 5% retention would be delayed.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2021-45

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION OF AND DIRECTING THE ENGINEERING
SERVICES DIRECTOR TO FILE A NOTICE OF ACCEPTANCE OF
COMPLETION OF
THE SANITARY SEWER VIDEO INSPECTION, PROJECT WW-0101119**

WHEREAS, the Engineering Services Director has filed with the City Clerk of the City of Los Altos an Engineer's Certificate as to completion of all the work provided to be done under and pursuant to the contract between the City of Los Altos and Pipe and Plant Solutions, Inc., dated March 16, 2020; and

WHEREAS, it appears to the satisfaction of this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the Engineering Services Director is directed to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

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 24th day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea M. Chelemengos, CITY CLERK



CONSENT CALENDAR

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Emergency Declaration Resolution

Prepared by: Jolie Houston, City Attorney

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2021-46

Initiated by:

City Manager

Previous Council Consideration:

March 12, 2020 (Declaration of Local Emergency)

March 17, 2020 Resolution No. 2020-08

Fiscal Impact:

None. However, a local emergency declaration is a prerequisite for requesting state or federal assistance.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to renew its existing declaration by adopting Resolution No. 2021-46 declaring a local emergency to emphasize the need for continued adherence to public health guidance?

Summary:

The proposed resolution of the City Council declaring the existence of a local emergency due to the COVID-19 pandemic would renew the City Council's existing declaration of local emergency, make accompanying findings based upon changed circumstances since the original declaration of local emergency, and direct staff to report back to the City Council within 60 days on the need for continuing the local emergency.

Staff Recommendation:

Adopt Resolution No. 2021-46 extending the declaration of a local emergency due to the COVID-19 pandemic

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Emergency Declaration Resolution

Background / Discussion / Analysis

Government Code Section 8558(c) defines a local emergency as the “existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits” of a city due to epidemic, natural disaster, or similar circumstances. Government Code Section 8630 states that a city council may declare the existence of a local emergency. A designated officer of a city may also proclaim the existence of a local emergency, but the officer’s proclamation must be ratified by the city council within seven days. A declaration of local emergency should be terminated as soon as conditions warrant, and a city council should review the need for a declaration of local emergency at least every 60 days. This requirement for review every 60 days is currently suspended by the Governor for declarations of local emergency relating to COVID-19.

A declaration of local emergency provides a city with the power to suspend the operation of local ordinances or regulations as necessary to deal with the emergency. For example, the City of Los Altos relied on its emergency powers to suspend its rules for restaurant use of “parklets” in the downtown public right-of-way for outdoor dining to allow for expanded outdoor dining opportunities during the COVID-19 pandemic. A city council or designated official may also issue emergency orders during a declaration of local emergency. When appropriate, a city may enlist volunteers to address the emergency, and it may seek mutual aid from surrounding jurisdictions. Special public contracting rules apply to public works projects necessary to deal with a local emergency, and actions necessary to mitigate an emergency are exempt from review under the California Environmental Quality Act.

On March 12, 2020, the City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the COVID-19 pandemic. The City Council ratified the proclamation of local emergency on March 17, 2020, by adoption Resolution No. 2020-08. The threat posed by COVID-19 has decreased significantly in recent months because of the availability of vaccines against the virus that causes the illness. However, the spread of new variants of the virus, coupled with the fact that not everyone in the community is vaccinated, including children under 12 for whom vaccines are not yet approved, means that COVID-19 is still a concern.

Under these circumstances, it is appropriate for the City Council to consider the continuing need for a declaration of local emergency. Staff recommends that the City Council renew its existing declaration to emphasize the need for continued adherence to public health guidance. However, due to the constantly evolving nature of the pandemic, staff also recommends that the City Council monitor the situation and revisit its decision within 60 days. The proposed resolution of the City Council declaring the existence of a local emergency due to the COVID-19 pandemic would renew the City Council’s existing declaration of local emergency, make accompanying findings based upon changed circumstances since the original declaration of local emergency, and direct staff to report back to the City Council within 60 days on the need for continuing the local emergency.



Subject: Emergency Declaration Resolution

Options

- 1) Staff recommends that the City Council renew its existing declaration to emphasize the need for continued adherence to public health guidance.

Advantages: A declaration of local emergency provides a city with the power to suspend the operation of local ordinances or regulations as necessary to deal with the emergency.

Disadvantages: None

- 2) Not adopt Resolution No. 2021- 46

Advantages: Staff would not have to report back to the City Council within 60 days on the need for continuing the local emergency.

Disadvantages: The City cannot rely on its emergency powers to suspend its rules for activities such as the use of “parklets” in the downtown public right-of-way for outdoor dining to allow for expanded outdoor dining opportunities during the COVID-19 pandemic.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2021-46

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS ALTOS DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DUE TO
THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, the Governor issued a proclamation of a state of emergency relating to the respiratory illness known as COVID-19, which is caused by the novel corona virus SARS-CoV-2; and

WHEREAS, on March 11, 2020, the World Health Organization declared the existence of a pandemic due to the global spread of COVID-19; and

WHEREAS, on March 12, 2020, the Los Altos City Manager, in his capacity as the City's Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

WHEREAS, on March 16, 2020, the Santa Clara County Health Officer issued the first of successive orders requiring all individuals residing in the County to shelter in their places of residence as specified, to socially distance, and to take other measures to prevent community spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and on August 28, 2020, the Governor announced a "Blueprint for a Safer Economy," which provided protocols for slowly reopening the state's economy following the initial shelter-in-place mandate; and

WHEREAS, by the beginning of August 2021, over 1,700 Santa Clara County residents had died of COVID-19; and

WHEREAS, due to the diligence of Los Altos residents in complying with health guidance, as of the beginning of August 2021, Los Altos had one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County, with a total infection rate of 2,338 cases per 100,000 residents; and

WHEREAS, vaccines provide proven protection against COVID-19; and

WHEREAS, by the beginning of August 2021, approximately 78 percent of Santa Clara County residents over the age of 12 had been vaccinated, and statewide vaccination rates were higher than the national average; and

WHEREAS, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

WHEREAS, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

WHEREAS, according to the California Department of Public Health, by July 21, 2021, nearly 85 percent of new COVID-19 cases in California were caused by the highly contagious “delta” variant; and

WHEREAS, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against the delta variant than against prior strains of the SARS-CoV-2 virus; and

WHEREAS, due to the spread of the delta variant and because not all eligible persons are vaccinated yet, the incidence of COVID-19 infection is again on the rise in Santa Clara County; and

WHEREAS, according to the Santa Clara County Health Department, by July 1, 2021, the 7-day average of new COVID-19 cases reported in Santa Clara County was down to 37 cases per day, but three weeks later on July 22, 2021, the 7-day average was up to 188 cases per day; and

WHEREAS, as a result of rising case counts, on August 2, 2021, the Santa Clara County Health Officer issued a new health order requiring the use of face coverings indoors by all persons; and

WHEREAS, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

WHEREAS, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and

WHEREAS, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

NOW THEREFORE, BE IT RESOLVED by the City Council of Los Altos that:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency. At this If deemed appropriate the City Council may take further action.

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 24th day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Resolution 2021-44, Drought Response and Water Conservation Efforts

Prepared by: Emiko Ancheta, Sustainability Coordinator

Reviewed by: Jon Biggs, Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution 2021-44, Drought Response and Water Conservation Efforts
2. Schedule 14.1 Water Shortage Contingency Plan

Initiated by:

Staff

Previous Council Consideration:

July 13, 2021

Fiscal Impact:

No significant fiscal impact is anticipated

Environmental Review:

The Resolution is exempt from California Environmental Quality Act (CEQA) per Section 15307, as an action taken by a regulatory agency as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt Resolution 2021-44, Drought Response and Water Conservation Efforts that supports California Water Service's (Cal Water) implementation of their Water Shortage Contingency Plan (Schedule 14.1) and encourage water conservation efforts by residents, businesses, and other water users in Los Altos?

Summary:

- In April 2021, Governor Gavin Newsom declared a drought emergency for several counties in California and extended the declaration to include Santa Clara County on July 8, 2021.
- Santa Clara Valley Water (Valley Water) Board of Directors declared a water shortage emergency in Santa Clara County and called for a mandatory 15% reduction in water use compared to 2019 levels.
- Cal Water received approval of their Schedule 14.1 from the California Public Utilities Commission effective July 14, 2021 and is currently in Stage 1.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

-
- Resolution 2021-44 supports Cal Water's implementation of Schedule 14.1 and encourages water conservation efforts by residents, businesses and water users.

Staff Recommendation:

Adopt Resolution 2021-44: Drought Response and Water Conservation Efforts supporting Cal Water's implementation of Schedule 14.1 and encourage water conservation efforts by residents, businesses, and other water users in Los Altos.



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

Purpose

To adopt Resolution 2021-44: Drought Response and Water Conservation Efforts supporting Cal Water's implementation of Schedule 14.1 and encourage water conservation efforts by residents, businesses, and water users in Los Altos.

Background

Governor Gavin Newsom declared a drought emergency for several counties in California in April 2021. Per the U.S. Drought Monitor, Santa Clara County is in an extreme drought. On July 8, 2021, the Governor extended his declaration to include Santa Clara County.

On June 9, 2021, the Valley Water Board of Directors declared a water shortage emergency in Santa Clara County and called for a mandatory 15% reduction in water use from 2019 water use levels. Valley Water provides water to Cal Water, the water service provider in Los Altos.

Cal Water met with Environmental Commission on June 14, 2021 and discussed current water conservation tools and rebate programs that Los Altos can utilize to reduce water use.

Cal Water continues to monitor the drought and works closely with its districts (including Los Altos) about water restrictions, including the standard prohibited uses of water established during the last declared drought. Cal Water has been preparing for drought conditions and the long-term efforts include:

- Replacing, repairing, and upgrading infrastructure to minimize water loss
- Identifying and repairing leaks through a Water Loss Auditing and Control Program
- Developing 30-year Water Supply and Facilities Master Plans
- Updating the Conservation Master Plan to help determine programs that would most benefit local customers and reduce water use

At the July 13, 2021 City Council meeting, the Council approved Resolution 2021-38 Drought Preparedness and Water Conservation, encouraging voluntary water conservation efforts throughout the city as a proactive step in response to the current drought conditions.

Discussion/Analysis

California continues to experience severe drought conditions that negatively affect communities throughout the state. The Governor declared a drought emergency in several counties in California, including Santa Clara County. Valley Water District declared a water shortage emergency, mandating a 15% water usage reduction from 2019 levels.

Cal Water continues to prepare for drought conditions and urges customers to utilize Cal Water's various conservation programs, tools, and rebates to reduce water use. A complete list of Cal Water's conservation tools and programs are available at www.calwater.com.



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

Cal Water submitted an application to the California Public Utilities Commission (CPUC) for their Schedule 14.1 Water Shortage Contingency Plan. The City was notified that Cal Water received CPUC approval of Schedule 14.1, effective July 14, 2021.

Cal Water remains in Stage 1 of Schedule 14.1, as of this report. The following are prohibited uses of water:

- Applying water to outdoor landscapes that causes runoff onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures
- Using a hose to wash motor vehicles unless the hose is fitted with a shutoff nozzle or device that causes it to cease dispensing water immediately when not in use
- Applying water to driveways and sidewalks
- Using water in a fountain or other decorative water feature, except where the water is part of a recirculating system
- Applying water to outdoor landscapes during and within 48 hours after measurable rainfall
- Using potable water to irrigate outside of new construction without drip or microspray systems
- Using potable water to irrigate ornamental turf on street medians
- Filling or refilling ornamental lakes or ponds except to sustain existing aquatic life
- Irrigating outdoors between 8 a.m. and 6 p.m., unless local ordinances state otherwise
- Not repairing leaks within five days of notification

Cal Water has outlined Waste of Water Penalties established in their Schedule 14.1. Penalties for violating prohibited uses of water will follow in order of sequence, summarized below. For a complete list of violation steps and penalties see Attachment 2.

- **First Violation**

Cal Water shall provide the customer with a written notice of violation.

- **Second Violation**

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Cal Water shall provide the customer with a second written notice of violation. In addition to the actions prescribed under the first violation above, Cal Water is authorized to take the following actions:

- a) Apply the following waste of water penalties which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs.
 - (i) If Stage 1 is in effect, \$25 (Stage 1 is detailed in Section E)
 - (ii) If Stage 2 is in effect, \$50 (Stage 2 is detailed in Section F)
 - (iii) If Stage 3 is in effect, \$100 (Stage 3 is detailed in Section G)



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

-
- (iv) If Stage 4 is in effect, \$200 (Stage 4 is detailed in Section H)
 - (v) If Stage 5 is in effect, \$400 (Stage 5 is detailed in Section I)
 - (vi) If Stage 6 is in effect, \$800 (Stage 6 is detailed in Section J)

- **Third Violation**

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Cal Water shall provide the customer with a third written notice of violation. In addition to the actions prescribed under the first and second violation above, Cal Water is authorized to take the following actions:

- a) Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs:
 - (i) If Stage 1 is in effect, \$50 (Stage 1 is detailed in Section E)
 - (ii) If Stage 2 is in effect, \$100 (Stage 2 is detailed in Section F)
 - (iii) If Stage 3 is in effect, \$200 (Stage 3 is detailed in Section G)
 - (iv) If Stage 4 is in effect, \$400 (Stage 4 is detailed in Section H)
 - (v) If Stage 5 is in effect, \$800 (Stage 5 is detailed in Section I)
 - (vi) If Stage 6 is in effect, \$1,600 (Stage 6 is detailed in Section J)
- b) At its sole discretion, waive the waste of water penalty if the customer participates in a water use evaluation provided by Cal Water and agrees to the recommendations provided.

- **Fourth Violation**

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Cal Water shall provide the customer with a fourth notice of violation. In addition to actions set forth in the previous violations prescribed above, Cal Water is authorized to install a flow-restricting device on the customer's service line. Cal Water shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restricting device.

Education and outreach remain highly effective to achieve reduction in water use. Cal Water continues to educate customers on water conservation methods, programs, and restrictions. Cal Water uses a variety of outreach methods, including but not limited to:

- Bill Inserts
- Marketing campaigns (Cable ads, theater messaging, radio, etc.)
- Social Media outlets
- Direct calls to large commercial customers
- Presentations to groups and organizations
- Email and online notifications



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

The City also implements a variety of outreach methods regarding water conservation and drought information. The various methods of education and outreach, include but not limited, to:

- City website
- City e-News and Announcements
- City social media channels
- City cable access channel KMVT
- Press releases
- Communications with community, business and school groups
- Flyers that can be posted and distributed
- Signs that can be placed in parks and other public spaces (Cal Water may provide signage)
- Webinar or Video on water saving tips, rebates, conservation programs, and what the city is doing
- Water Saving Tips Email/Video (through Anthony) for businesses
- Press Release regarding what the city is doing, what residents can do
- Letter from the Mayor's Desk to the Town Crier

The City of Los Altos is taking immediate steps to conserve potable water usage in City owned parks and buildings. The Maintenance Department is enacting the following measures to achieve a water usage reduction of at least 15%.

- **Park Irrigation**
The watering of City parks is to be reduced, first by number of days, then by run times. Although grass areas in parks will be less green, the Parks Maintenance crews will closely monitor the effects of water reductions in order to maintain safe playing conditions for recreational sports play.
- **Medians and Decorative Landscape/Trees**
If/when median and other decorative landscape dies, it will not be immediately replaced. New plantings will be re-installed once water restrictions ease. Staff will also delay new tree plantings until water restrictions ease.
- **Hardscape Cleanings**
Pressure washing of sidewalks and other hardscapes will be on an as-needed basis. Regularly scheduled pressure washings will resume as water restrictions ease.
- **More Restrictive Faucet Aerators**
City facility water fixtures currently use water reducing aerator screens that allow 1 gallon per minute of flow. These will be changed out for aerators that restrict water to ½ gallon per minute.



Subject: Resolution 2021-44: Drought Response and Water Conservation Efforts

- **Apricot Orchard**

City staff is currently working with the Orchard Commons Committee and the contracted orchardist that maintains the apricot orchard to install a drip irrigation system in the orchard. This will properly direct water to the trees for more efficient watering. More details will follow when the plan for this switch is finalized.

City Staff continues to monitor water use and will adjust or implement additional water conservation methods as needed. City staff is confident the City will be able to achieve at least a 15% water reduction from 2019 usage if the measures outlined in this agenda report are implemented and adhered to.

Options

- 1) Adopt Resolution 2021-44: Drought Response and Water Conservation Efforts that supports Cal Water's implementation of Schedule 14.1 and encourages water conservation efforts by residents, businesses, and water users in Los Altos.

Advantages: The City of Los Altos will support the implementation of Cal Water's Schedule 14.1 and continue to encourage water conservation efforts throughout the City and work towards achieving a 15% water reduction from 2019 usage.

Disadvantages: None identified

- 2) Do not adopt Resolution No. 2021-44: Drought Response and Water Conservation Efforts

Advantages: None identified

Disadvantages: Water supply will continue to diminish, worsening the current drought conditions.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2021-44

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DROUGHT RESPONSE AND WATER CONSERVATION EFFORTS**

WHEREAS, the State of California is currently under severe drought conditions as a result of record low rainfall and the State's water supply shortage; and

WHEREAS, the Governor of the State of California declared a drought emergency for several counties in California as of April 2021, and on July 8, 2021, Santa Clara County was added to the list of counties; and

WHEREAS, historical evidence indicates that the State of California drought conditions are increasing due to the prolonged periods of drought in recent years; and

WHEREAS, it is not known how long the severe drought conditions will last; and

WHEREAS, Santa Clara County is currently under extreme drought conditions as a result of low reservoirs supply and low water levels per the U.S. Drought Monitor; and

WHEREAS, measures are needed to encourage and promote water conservation efforts as ongoing practices now and in future years; and

WHEREAS, on June 9, 2021, the Santa Clara Valley Water District, which provides water to Cal Water Service in Los Altos, declared a water shortage emergency and mandated a 15% water use reduction compared to 2019 water usage and called on the County of Santa Clara to declare a countywide shortage emergency; and

WHEREAS, on July 14, 2021 California Water Service (Cal Water) Schedule 14.1 Water Shortage Contingency Plan with Staged Mandatory Reductions and Drought Surcharges became effective by approval of the California Public Utilities Commission; and

WHEREAS, the City of Los Altos works in partnership with Cal Water, as Cal Water implements enforcement measures in accordance with Schedule 14.1 and promotes water conservation programs and rebates; and

WHEREAS, the City of Los Altos recognizes that Cal Water has activated Stage 1 of its Schedule 14.1 and may utilize different Stages in Schedule 14.1 during the course of the drought conditions and thereby, the City resolution seeks to comply with any forthcoming requirements initiated by Cal Water; and

WHEREAS, efforts to conserve water during times of limited water supply have been assessed in accordance with the California Environmental Quality Act (CEQA) per Section 15307, as an action taken by a regulatory agency as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and

ATTACHMENT 1

WHEREAS, if voluntary efforts by water users are not achieving the necessary results, the City of Los Altos and Cal Water will need to adopt more stringent water conservation measures.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby recommends that the City of Los Altos residents, businesses, and water users make every effort to reduce water use.

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 24th day of August 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

CALIFORNIA WATER SERVICE COMPANY

1720 North First Street
San Jose, CA 95112
(408) 367-8200

Revised Cal. P.U.C. Sheet No. XXXXX-W
Cancelling Cal. P.U.C. Sheet No. 11052-W

Schedule No. 14.1

Page 1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

California Water Service's ("Cal Water") supply of water may be interrupted or reduced due to a variety of circumstances, for instance, in response to a drought or other catastrophic event. This Schedule builds upon Cal Water's Rule 14.1 and provides it with additional means to achieve necessary reductions in water use. (N)

A. APPLICABILITY (L)

- 1. This schedule applies to all of California Water Service's regulated ratemaking areas in California, as well as Grand Oaks Water.

B) GENERAL INFORMATION

- 1. All expenses incurred by California Water Service to implement Rule 14.1, and Schedule 14.1, that have not been considered in a General Rate Case or other proceeding shall be accumulated by Cal Water in a separate memorandum account, authorized by the Commission, for disposition as directed or authorized from time to time by the Commission. (T)
- 2. All monies collected by Cal Water through waste of water penalties established in this schedule shall be recorded in the appropriate memorandum account and used to offset the expenses described in Section 1 above. (T)
- 3. Except in the case of Grand Oaks, all monies collected by Cal Water through drought surcharges, as established by the Mandatory Budgets found in Schedule 14.1, shall be recorded in the appropriate Water Revenue Adjustment Mechanism ("WRAM") account and used to offset under-collected revenues. (T)
- 4. To the extent that any provision in this Schedule is inconsistent with Rule 14.1, the provisions of this Schedule apply. (D)

C) DEFINITIONS

For the purposes of this Schedule, the following terms have the meanings set forth in this section. (These are the same as in Rule 14.1, unless otherwise specified.)

- 1. "Commercial nursery" means the use of land, buildings or structures for the growing and/or storing of flowers, fruit, trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot. (L)

(Continued)

(To be inserted by utility)	Issued By	(To be inserted by CPUC)
Advice Letter <u>2412</u>	<u>Greg A. Milleman</u>	Date Filed _____
Decision	<u>Vice President</u>	Effective _____
		Resolution _____

Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

C) DEFINITIONS (continued)

- 2. "Drip irrigation system" means a non-spray, low-pressure, and low volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping. (L)
- 3. "Flow rate" means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute (GPM), gallons per hour (GPH), inches per hour (IPH), hundred cubic feet (Ccf), or cubic feet per second (CFS).
- 4. "Flow-restricting device" means valves, orifices, or other devices that reduce the flow of potable water through a service line, which are capable of providing the premise with a minimum flow rate of 0.5 gallons per minute. (C)
- 5. "High-efficiency sprinkler systems" means an irrigation system with emission devices, such as sprinkler heads or nozzles, with a precipitation or flow rate no greater than one IPH. (C)
- 6. "Irrigation" means the application of potable water by artificial means to landscape.
- 7. "Irrigation system" means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves, and control wiring.
- 8. "Landscape" means all of the outdoor planting areas, turf areas, and water features at a particular location.
- 9. "Measurable rainfall" means any amount of precipitation of more than one-quarter of an inch (0.25"). (C)
- 10. "Micro spray irrigation system" means a low-pressure, low-volume irrigation system utilizing emission devices that spray, mist, sprinkle, or drip with a precipitation or flow rate measured in GPH, designed to slowly apply small volumes of water to a specific area. (C)
- 11. "Ornamental landscape" means shrubs, bushes, flowers, ground cover, turf, lawns, and grass planted for the purpose of improving the aesthetic appearance of property, but does not include crops or other agricultural products or special landscape areas.
- 12. "Ornamental turf" means a ground cover surface of grass that can be mowed and is planted for the purpose of improving the aesthetic appearance of the property, but does not include crops or other agricultural products or special landscape areas.
- 13. "Plumbing fixture" means a receptacle or device that is connected to a water supply system, including, but not limited to, pipes, toilets, urinals, showerheads, faucets, washing machines, water heaters, tubs, and dishwashers. (L)

(Continued)

(To be inserted by utility)	Issued By	(To be inserted by CPUC)
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CALIFORNIA WATER SERVICE COMPANY

1720 North First Street
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(408) 367-8200

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Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

C) DEFINITIONS (continued)

(L)

- 14. "Potable water" means water supplied by Cal Water which conforms to the federal and state standards for human consumption.
- 15. "Properly programmed" means a smart irrigation controller that has been programmed according to the manufacturer's instructions and site-specific conditions.
- 16. "Real-time water measurement device" means a device or system that provides regularly updated electronic information regarding the customer's water use.
- 17. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
- 18. "Smart irrigation controller" means an automatic device used to remotely control valves that operate an irrigation that has been tested by an American National Standards Institute accredited third-party certifying body or laboratory in accordance with the Environmental Protection Agency's WaterSense program (or an analogous successor program), and certified by such body or laboratory as meeting the performance and efficiency requirements of such program, or the more stringent performance and efficiency requirements of another similar program.
- 19. "Special landscape area" means an area of landscape dedicated solely to edible plants and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- 20. "Turf" means a ground cover surface of grass that can be mowed.
- 21. "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation feature, including, but not limited to, ponds, lakes, waterfalls, fountains, and streams.
- 22. "Water use evaluation" means an evaluation of the efficiency of indoor water-using devices, including, but not limited to, measurement of flow rates for all existing showerheads, faucets, and toilets, inspection for leaks, and providing written recommendations to improve the efficiency of the indoor water-using fixtures and devices and/or an evaluation of the performance of an irrigation system, including, but not limited to, inspection for leaks, reporting of overspray or runoff, and providing written recommendations to improve the performance of the irrigation system.

D) WASTE OF WATER PENALTIES

Each Stage of this Schedule establishes certain restrictions on the use of potable water. Violating the restrictions set forth in a particular Stage while it is in effect is declared a non-essential, wasteful use of potable water.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

D) WASTE OF WATER PENALTIES (continued)

(L)

Cal Water is authorized to take the following actions when its personnel verify a customer is using potable water for non-essential, wasteful uses. No person shall have any right or claim in law or in equity against Cal Water because of, or as a result of, any matter or thing done or threatened to be done pursuant to the restrictions on using potable water for non-essential, wasteful uses. When a Stage in this Schedule has been activated, Section D in this Schedule supersedes Section D (Enforcement) in Rule 14.1.

(T)

1. FIRST VIOLATION

Cal Water shall provide the customer with a written notice of violation. In addition, Cal Water is authorized to take the following actions:

- a) If the customer currently receives service through a metered connection, install a real-time water measurement device on the customer's service line and provide the customer with access to information from the device. The cost of the device, including installation and on-going operating costs, may be billed to the customer, and nonpayment may result in discontinuation of service.
- b) If the customer does not currently receive service through a metered connection, install a water meter on the customer's service line, charge the customer for water use pursuant to Cal Water's metered service tariffs and rules, and install a real-time water measurement device on the customer's service line and provide the customer with access to information from the device. The cost of the device, including installation and ongoing operating costs, may be billed to the customer, and nonpayment may result in discontinuance of service.

2. SECOND VIOLATION

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Cal Water shall provide the customer with a second written notice of violation. In addition to the actions prescribed under the first violation above, Cal Water is authorized to take the following actions:

- a) Apply the following waste of water penalties which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs.
 - (i) If Stage 1 is in effect, \$25 (Stage 1 is detailed in Section E)
 - (ii) If Stage 2 is in effect, \$50 (Stage 2 is detailed in Section F)
 - (iii) If Stage 3 is in effect, \$100 (Stage 3 is detailed in Section G)

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

D) WASTE OF WATER PENALTIES (continued)

(L)

2. SECOND VIOLATION (continued)

a) Apply the following waste of water penalties which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs. (continued)

. . .

(iv) If Stage 4 is in effect, \$200 (Stage 4 is detailed in Section H)

(v) If Stage 5 is in effect, \$400 (Stage 5 is detailed in Section I)

(N)

(vi) If Stage 6 is in effect, \$800 (Stage 6 is detailed in Section J)

(N)

b) At its sole discretion, waive the waste of water penalty if the customer participates in a water use evaluation provided by Cal Water and agrees to the recommendations provided.

(C)

(C)

3. THIRD VIOLATION

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Cal Water shall provide the customer with a third written notice of violation. In addition to the actions prescribed under the first and second violation above, Cal Water is authorized to take the following actions:

a) Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs:

(i) If Stage 1 is in effect, \$50 (Stage 1 is detailed in Section E)

(ii) If Stage 2 is in effect, \$100 (Stage 2 is detailed in Section F)

(iii) If Stage 3 is in effect, \$200 (Stage 3 is detailed in Section G)

(iv) If Stage 4 is in effect, \$400 (Stage 4 is detailed in Section H)

(v) If Stage 5 is in effect, \$800 (Stage 5 is detailed in Section I)

(N)

(vi) If Stage 6 is in effect, \$1,600 (Stage 6 is detailed in Section J)

(N)

b) At its sole discretion, waive the waste of water penalty if the customer participates in a water use evaluation provided by Cal Water and agrees to the recommendations provided.

(C)

(C)

4. FOURTH VIOLATION

If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Cal Water shall provide the customer with a fourth notice of violation. In addition to actions set forth in the previous violations prescribed above, Cal Water is authorized to install a flow-restricting device on the customer's service line. Cal Water shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restricting device.

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CALIFORNIA WATER SERVICE COMPANY

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

D) WASTE OF WATER PENALTIES (continued)

(L)

5. EGREGIOUS VIOLATIONS

Notwithstanding the foregoing framework for penalties, customers who Cal Water has verified are egregiously using potable for non-essential, wasteful uses are subject to having a flow-restricting device installed on their service line. After providing the customer with one written notice of egregious violation which documents the egregious use of potable water for non-essential, wasteful uses and explains that failure to correct the violation may result in the installation of a flow-restricting device on the customer's service line, Cal Water is authorized to install a flow-restricting device on the customer's service line. Cal Water shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow-restricting device.

(C)
(C)

6. NOTICES OF VIOLATION

- a) Unless otherwise specified, written notices of violation provided to customers pursuant to this Schedule shall document the verified violation and alert the customer to the fact that future violations of the restricted uses of potable water may result in a real-time water measurement device being installed on the customer's service line at the customers expense, waste of water penalties being applied to the customer's bill, the installation of a flow-restricting device on the customer's service line, or the discontinuation of the customer's service.
- b) If Cal Water elects to install a flow-restricting device on a customer's service line, the written notice shall document the steps the customer must take in order for the follow-restricting device to be removed, and shall explain that after the flow-restricting device is removed, it may be reinstalled, without further notice, if the customer is again verified by Cal Water to be using potable water for non-essential, wasteful uses.

(T)

7. FLOW RESTRICTING DEVICE CONDITIONS

The installation of a flow-restricting device on a customer's service line is subject to the following conditions:

- a) The device shall be capable of providing the premise with a minimum flow rate of 0.5 gallons per minute.
- b) The device may only be removed by Cal Water, and only after a minimum three-day period has elapsed.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

D) WASTE OF WATER PENALTIES (continued)

(L)

7. FLOW RESTRICTING DEVICE CONDITIONS (continued)

- c) Any tampering with the device may result in the discontinuation of the customer’s water service and the customer being charged for any damage to Cal Water’s equipment or facilities and any required service visits.
- d) After the removal of the device, if Cal Water’s personnel verify that the customer is using potable water for non-essential, wasteful uses, Cal Water may install another flow-restricting device without prior notice. This device shall remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Cal Water’s personnel verifies that the customer is using potable water for non-essential, wasteful uses, then Cal Water may discontinue the customer’s water service, as provided in its Rule No. 11.

8. FLOW RESTRICTING DEVICE REMOVAL CHARGES

The charge to customers for removal of a flow-restricting device installed pursuant to this Schedule is \$100 during normal business hours, and \$150 for the device to be removed outside of normal business hours.

E) STAGE ONE WATER USE RESTRICTIONS

1. WASTEFUL USES OF WATER (STAGE 1)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

- a) Outdoor Irrigation Restrictions (Stage 1)
 - (i) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
 - (ii) The foregoing irrigation restriction does not apply to:
 - (1) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;
 - (2) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

E) STAGE ONE WATER USE RESTRICTIONS (continued)

(L)

1. WASTEFUL USES OF WATER (STAGE 1) (continued)

- b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by Cal Water, unless other arrangements are made with Cal Water.
- c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:
 - (i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (ii) The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
 - (iii) The application of potable water to driveways and sidewalks;
 - (iv) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (v) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);
 - (vi) Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.
 - (vii) The serving of drinking water other than upon request in eating and/or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
- d) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- e) Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

F) STAGE TWO WATER USE RESTRICTIONS

(L)

1. WASTEFUL USES OF WATER (STAGE 2)

(C)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

a) Outdoor Irrigation Restrictions (Stage 2)

(i) Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email.

(1) Notwithstanding the foregoing irrigation restriction, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with the foregoing restrictions.

(ii) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

(iii) The foregoing irrigation restrictions do not apply to:

(1) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;

(2) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

(iv) Notwithstanding the foregoing restrictions, when a city, county, or other public agency in one of Cal Water’s service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other public agency’s restrictions.

b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by Cal Water, unless other arrangements are made with Cal Water.

(C)

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

F) STAGE TWO WATER USE RESTRICTIONS (continued)

(C)

1. WASTEFUL USES OF WATER (STAGE 2) (continued)

- c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:
 - (i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (ii) The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
 - (iii) The application of potable water to driveways and sidewalks;
 - (iv) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (v) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);
 - (vi) Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.
 - (vii) The serving of drinking water other than upon request in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
- d) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- e) New connections may not install single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons.
- f) New connections may not install non-recirculating systems for conveyer car wash applications.
- g) Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

G) STAGE THREE WATER USE RESTRICTIONS

(L)

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 3)

Water budgets may be imposed by Cal Water which may include provisions such as minimum water budgets to protect the health and safety of customers, an appeals process, and water banking allowing customer additional flexibility with regard to their required reductions.

(C)

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

(C)

Details regarding the implementation of "Mandatory Water Budgets and Banking" will be submitted as part of any request to activate Stage 3 of this Schedule.

(N)

(N)

2. WASTEFUL USES OF WATER (STAGE 3)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

(D)

a) Outdoor Irrigation Restrictions (Stage 3)

(i) Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email.

(C)

(D)

(1) Notwithstanding the foregoing irrigation restriction, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with the foregoing restrictions.

(T)

(ii) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

(iii) The foregoing irrigation restrictions do not apply to:

(1) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

G) STAGE THREE WATER USE RESTRICTIONS (continued)

(L)

2. WASTEFUL USES OF WATER (STAGE 3) (continued)

a) Outdoor Irrigation Restrictions (Stage 3)(continued)

(iii) The foregoing irrigation restrictions do not apply to: (continued)

...

(2) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

(iv) Notwithstanding the foregoing restrictions, when a city, county, or other public agency in one of Cal Water’s service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other public agency’s restrictions.

(T)

(T)

b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within three (3) business days of written notification by Cal Water, unless other arrangements are made with Cal Water.

(C)

c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:

(i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(T)

(ii) The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(T)

(iii) The application of potable water to driveways and sidewalks;

(iv) The use of potable water in a water feature, except where the water is part of a recirculating system;

(v) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);

(T)

(vi) Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

H) STAGE FOUR WATER USE RESTRICTIONS (continued)

(L)

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 4) (continued)

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

(C)
(C)

Details regarding the implementation of "Mandatory Water Budgets and Banking" will be submitted as part of any request to activate Stage 4 of this Schedule.

(N)
(N)

2. WASTEFUL USES OF WATER (STAGE 4)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

a) Outdoor Irrigation Restrictions (Stage 4)

(D)
(C)

(i) Irrigating ornamental landscapes with potable water is limited to no more than two (2) days per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:

(1) Notwithstanding the foregoing irrigation restriction, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with the foregoing restrictions.

(ii) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

(iii) The foregoing irrigation restrictions do not apply to:

- (1) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;
- (2) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

(L)(C)

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WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

H) STAGE FOUR WATER USE RESTRICTIONS (continued)

(L)

2. WASTEFUL USES OF WATER (STAGE 4) (continued)

a) Outdoor Irrigation Restrictions (Stage 4) (continued)

...

(iv) Notwithstanding the foregoing restrictions, when a city, county, or other public agency in one of Cal Water's service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other public agency's restrictions.

b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation system must be repaired within two (2) business days of written notification by Cal Water, unless other arrangements are made with Cal Water.

(C)

c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:

(i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(ii) The application of potable water to driveways and sidewalks;

(iii) The use of potable water in a water feature, except where the water is part of a recirculating system;

(iv) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);

(T)

(v) Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.

(N)

(N)

(vi) The serving of drinking water other than upon request in eating and/or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

(T)

(vii) Irrigation of ornamental turf on public street medians with potable water;

(N)

(viii) The use of potable water to fill or refill decorative fountains or pools;

(ix) The use of potable water for recreational facilities such as water parks;

(x) Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible);

(L)(N)

(Continued)

(To be inserted by utility)
Advice Letter 2412
Decision

Issued By
Greg A. Milleman
Vice President

(To be inserted by CPUC)
Date Filed _____
Effective _____
Resolution _____

Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

H) STAGE FOUR WATER USE RESTRICTIONS (continued)

(L)

2. WASTEFUL USES OF WATER (STAGE 4) (continued)

c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions: (continued)

. . .

(xi) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or method can be used.

(T)
(T)

d) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.

e) New connections may not install single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons.

(N)

f) New connections may not install non-recirculating systems for conveyer car wash applications.

(N)

g) Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged mandatory restrictions of water use as described in this Schedule.

(T)

h) Car washing is only permitted using a commercial car wash that recirculates water or by high pressure/low volume wash systems.

(N)
(N)

i) Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

(L)

I) STAGE FIVE WATER USE RESTRICTIONS

(C)

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 5)

Water budgets may be imposed by Cal Water which may include provisions such as minimum water budgets to protect the health and safety of customers, an appeals process, and water banking allowing customer additional flexibility with regard to their required reductions.

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

(C)

(Continued)

(To be inserted by utility)
Advice Letter 2412
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Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

I) STAGE 5 WATER USE RESTRICTIONS (continued)

(N)

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 5) (continued)

...

Details regarding the implementation of "Mandatory Water Budgets and Banking" will be submitted as part of any request to activate Stage 5 of this Schedule.

2. WASTEFUL USES OF WATER (STAGE 5)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

a) Outdoor Irrigation Restrictions (Stage 5)

(i) Irrigating ornamental landscapes with potable water is limited to no more than one (1) day per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:

(1) Notwithstanding the foregoing irrigation restriction, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with the foregoing restrictions.

(ii) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

(iii) The foregoing irrigation restrictions do not apply to:

(1) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation systems;

(2) Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not it use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

(iv) Notwithstanding the foregoing restrictions, when a city, county, or other public agency in one of Cal Water's service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other public agency's restrictions.

(N)

(Continued)

(To be inserted by utility)
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Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

I) STAGE FIVE WATER USE RESTRICTIONS (continued)

(N)

2. WASTEFUL USES OF WATER (STAGE 5) (continued)

- ...
- b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within one (1) business day of written notification by Cal Water, unless other arrangements are made with Cal Water.
- c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:
 - (i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (ii) The application of potable water to driveways and sidewalks;
 - (iii) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (iv) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);
 - (v) Irrigation outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the Department of Housing and Community Development, or other state agency.
 - (vi) The serving of drinking water other than upon request in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (vii) Irrigation of ornamental turf on public street medians with potable water;
 - (viii) The use of potable water to fill refill decorative fountains or pools;
 - (ix) The use of potable water for recreational facilities such as water parks;
 - (x) Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes;
 - (xi) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses.
- d) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.

(N)

(Continued)

(To be inserted by utility)	Issued By	(To be inserted by CPUC)
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		Resolution _____

Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

I) STAGE FIVE WATER USE RESTRICTIONS (continued)

(N)

2. WASTEFUL USES OF WATER (STAGE 5) (continued)

...

- e) New and existing connections may not install or utilize single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons.
- f) New connections may not install non-recirculating systems for conveyer car wash applications.
- g) Filling or re-filling ornamental lakes or ponds with potable water is prohibited.
- h) Car washing is only permitted using a commercial car wash that recirculates water or by high pressure/low volume wash systems.
- i) Pool covers are required for all pools and spas.
- j) New service connections must result in a net zero demand increase.
- k) Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

J) STAGE SIX WATER USE RESTRICTIONS

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 6)

Water budgets may be imposed by Cal Water which may include provisions such as minimum water budgets to protect the health and safety of customers, an appeals process, and water banking allowing customer additional flexibility with regard to their required reductions.

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

Details regarding the implementation of "Mandatory Water Budgets and Banking" will be submitted as part of any request to activate Stage 6 of this Schedule.

2. WASTEFUL USES OF WATER (STAGE 6)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

(N)

(Continued)

<small>(To be inserted by utility)</small>	<small>Issued By</small>	<small>(To be inserted by CPUC)</small>
Advice Letter <u>2412</u>	<u>Greg A. Milleman</u>	Date Filed _____
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Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

J) STAGE SIX WATER USE RESTRICTIONS (continued)

(N)

2. WASTEFUL USES OF WATER (STAGE 6) (continued)

...

- a) Outdoor Irrigation Restrictions (Stage 6)
 - (i) Irrigating ornamental landscapes with potable water is prohibited.
 - (ii) Notwithstanding the foregoing irrigation restriction, when a city, county, or other public agency in one of Cal Water’s service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other public agency’s restrictions.
- b) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within one (1) business day of written notification by Cal Water, unless other arrangements are made with Cal Water.
- c) Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:
 - (i) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - (ii) The application of potable water to driveways and sidewalks;
 - (iii) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (iv) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);
 - (v) The serving of drinking water other than upon request in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (vi) The use of potable water to fill or refill decorative fountains or pools;
 - (vii) The use of potable water for recreational facilities such as water parks;
 - (viii) Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes;
 - (ix) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses.
- d) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.

(N)

(Continued)

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Schedule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

J) STAGE SIX WATER USE RESTRICTIONS (continued)

(N)

2. WASTEFUL USES OF WATER (STAGE 6) (continued)

...

- e) New connections may not install single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons.
- f) New connections may not install non-recirculating systems for conveyer car wash applications.
- g) Filling or re-filling ornamental lakes or ponds with potable water is prohibited.
- h) Car washing is only permitted using a commercial car wash that recirculates water or by high pressure/low volume wash systems;
- i) Pool covers are required for all pools and spas.
- j) New service connections shall not be allowed.
- k) Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

(N)

(To be inserted by utility)

Issued By

(To be inserted by CPUC)

Advice Letter 2412

Greg A. Milleman

Date Filed _____

Decision

Vice President

Effective _____

Resolution _____



CONSENT CALENDAR

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Resolution 2021-47: Los Altos Employer-Employee Relations Resolution.

Prepared by: Irene Barragan Silipin, Human Resources Manager

Reviewed by: Jon Maginot, Deputy City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution 2021-47

Initiated by:

Staff

Previous Council Consideration:

Not applicable

Fiscal Impact:

Not applicable

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt Resolution 2021-47 and the terms within the Employer-Employee Relations within the City of Los Altos?

Summary:

- The City met and consulted with all labor group representatives to establish an employer-employee relations resolution.
- Passing this Resolution will create local rules and regulations governing the City's relations with its recognized employee organizations, i.e. unions and associations

Staff Recommendation:

Move to approve Resolution 2020-47 and the terms outlined in the Employer-Employee Relations within the City of Los Altos.

Purpose

These local rules and regulations will assist your Human Resources team in negotiations and other labor relations matters, such as disputes with recognized employee organizations. The rules and regulations will also govern how employees can organize and the procedures that must be followed



Subject: Resolution 2021-47: A Side Letter Agreement between City of Los Altos & Los Altos Police Officers Association (LAPOA); Six-Month Extension of Memorandum of Understanding (MOU)

for employees to create new recognized employee organizations, as well as the procedures the City must follow to decertify a recognized employee organization.

Background

The City had the need to establish a formal method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the City, employees and their labor groups.

It is also the purpose of this resolution to promote the improvement of personnel management and employer employee relations within the City of Los Altos by providing a uniform basis for recognizing the right of City employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationships with the City.

It is standard for City Councils and other public agency governing bodies to adopt such local rules and regulations. Indeed, since no later than 1969, the California Government Code has given public agencies the right to adopt such local rules and regulations.

The City has satisfied its legal bargaining obligations with all the City's recognized employee organizations prior to Council adoption of this Resolution. Thus, the Council can approve this Resolution without objection from labor.

Discussion/Analysis

Options

- 1) Adopt Resolution 2020-47 as outlined in the Employer-Employee Relations Resolution terms within the City of Los Altos.

Advantages: The parties have met and consulted in good faith in accordance with the Meyers Milias Brown Act (MMBA) to establish the Employer-Employee Relations within the City of Los Altos.

Disadvantages: None. Parties have mutually reached this Employer-Employee Relations Resolution in accordance with the MMBA.



Subject: Resolution 2021-47: A Side Letter Agreement between City of Los Altos & Los Altos Police Officers Association (LAPOA); Six-Month Extension of Memorandum of Understanding (MOU)

2) Do not approve the terms outlined in the Employer-Employee Relations Resolution within the City of Los Altos.

Advantages: The City will continue to operate without an Employer-Employee Relations Resolution.

Disadvantages: Without this resolution, disputes between labor and the City are more likely to be adjudicated by the California Public Employee Relations Board – an administrative agency with members appointed by the Governor.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2021-47

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
RELATED TO THE EMPLOYER-EMPLOYEE RELATIONS WITHIN THE
CITY OF LOS ALTOS**

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby resolves:

Article I -- General Provisions

Sec. 1.01. Statement of Purpose

This Resolution implements Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 *et seq.*) captioned “Meyers-Milias-Brown Act” (“MMBA”), by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. Nothing contained herein, however, shall be deemed to supersede the provisions of state law, the Municipal Code, ordinances, resolutions and rules which establish and regulate the civil service system, or which provide for other methods of administering employer-employee relations. This Resolution is intended, instead, to strengthen the civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the City.

It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with Recognized Employee Organizations regarding matters that directly and significantly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law, or the Municipal Code. The City shall not be required to meet and confer over the merit, necessity or organization of any service or activity provided by law or executive order.

Nothing contained in this Resolution shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy. Unless specifically in conflict with any Memorandum of Understanding, the City retains all management rights, which include, but are not limited to: the sole and exclusive right to determine the City’s mission, including that of its constituent departments, commissions, and boards; the sole and exclusive right to direct the affairs of, manage, and maintain the efficiency of the City, to set standards of service; and to control the organization and operation of the City. The City also has the sole and exclusive right to take any actions which the City deems desirable to conduct its affairs, including, but not limited to, determining the procedures and standards of selection for employment, directing its work force (including scheduling and assigning work and overtime), hiring, firing, discharges, promotions, demotions, transfers, taking disciplinary action, determining the methods, means and personnel by which City operations are to be conducted, relieving employees from duty because of budgetary considerations, lack of work, or other lawful reasons, subcontracting, maintaining discipline and efficiency of employees, determining the content of job classifications, taking all necessary actions to carry out its mission in emergencies, and

exercising complete control and discretion over its organization and the technology of performing its work consistent with the provisions of this Resolution and the MMBA. The foregoing is meant to be descriptive of the City's rights, and not exhaustive,

Sec. 1.02. Definitions

As used in this Resolution, the following terms shall have the meanings indicated:

- a. "Appropriate unit" means a unit of employee classes or positions, established pursuant to Article II of this Resolution.
- b. "City" means the City of Los Altos, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
- c. "Confidential Employee" means an employee who, in the course of his or her duties, has access to confidential information relating to the City's administration of employer-employee relations.
- d. "Consult/Consultation in Good Faith" means to meet and discuss issues with all affected recognized employee organizations, in good faith, for the purpose of presenting and obtaining views or advising of proposed actions in an effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of representation (as defined in California Government Code section 3504), does not involve an endeavor to reach a binding agreement, nor is it subject to the impasse resolution procedures set forth in Article IV of this Resolution.
- e. "Day" means calendar day unless expressly stated otherwise.
- f. "Employee Relations Officer" means the City Manager or designee.
- g. "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate representation unit determined pursuant to Article II of this Resolution, having the exclusive right to meet and confer in good faith concerning matters within the scope of representation pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

Such recognition status may only be challenged by another employee organization as set forth in Article II section 8.

- h. "Impasse" means that the representatives of the City and a Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a Memorandum of Understanding, and/or concerning matters over which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.

- i. “Management Employee” means an employee having responsibility for formulating, administering or managing the implementation of City policies and programs and employees who exercise supervisory authority.
- j. “Professional Employee” means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists.
- k. “Proof of Employee Support” means (1) an authorization card recently signed and personally dated by an employee, provided that the card has not been subsequently revoked in writing by the employee (2) a verified authorization petition or petitions recently signed and personally dated by an employee, or (3) employee dues deduction authorizations, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one employee organization for the account of any one employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words “recently signed” shall mean within ninety (90) days prior to the filing of such proof of support.
- l. “Supervisory Authority” means any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- m. Terms not defined herein shall have the meanings as set forth in the MMBA.

Article II -- Representation Proceedings

Sec. 2.01. Filing of Recognition Petition by Employee Organization

An employee organization which seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

- a. Name and address of the employee organization.
- b. Names and titles of its officers, and mailing addresses.
- c. Names and telephone numbers of employee organization representatives who are authorized to speak on behalf of the organization in any communication with the City.

- d. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the City.
- e. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
- f. Certified copies of the employee organization's constitution and bylaws.
- g. A designation of those persons, not exceeding two in number, and their mailing addresses and email addresses, to whom notice sent by regular United States mail and/or email will be deemed sufficient notice on the employee organization for any purpose.
- h. A statement that the employee organization has no restriction on membership based on race, color, religion, creed, sex, national origin, age, marital status, sexual orientation, mental or physical disability, medical condition, military or veteran status, gender identity or expression, genetic information, or any other legally-protected classification.
- i. The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- j. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.
- k. A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith. The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it.

Sec. 2.02. City Response to Recognition Petition

Upon receipt of the Petition, the Employee Relations Officer shall determine whether:

- a. There has been compliance with the requirements for the filing of a Recognition Petition as set forth in section 2.01 hereof, and
- b. The proposed representation unit is an appropriate unit in accordance with Sec. 2.07 of this Article II.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, the Employee Relations Officer shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter.

If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing.

The petitioning employee organization may appeal such determination in accordance with Sec. 2.10 of this Resolution.

Sec. 2.03. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some, but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in Sec. 2.01 of this Article II. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in Sec. 2.07 of this Article II and shall provide written notice of his/her determination.

If the petitioning employee organizations do not agree with the decision rendered by the Employee Relations Officer, the petitioning employee organizations shall have fifteen (15) days from the date of when the notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Sec. 2,09 of this Article II.

Sec. 2.04. Granting Recognition Without an Election

If the Petition is in order, and the proof of support shows that a majority of the employees in the unit deemed to be appropriate have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the Employee Relations Officer shall request the California State Mediation and Conciliation Service, or another agreed-upon neutral third party, to review the count, form, accuracy and propriety of the proof of support. If the neutral third party makes an affirmative determination, the Employee Relations Officer shall

formally acknowledge the petitioning employee organization as the Exclusive Recognized Employee Organization for the designated unit.

Sec. 2.05. Election Procedure

Where recognition is not granted pursuant to Sec. 2.04 of this Resolution, then, upon determination of an appropriate unit in accordance with Sec. 2.02 and 2.07 of this Article II, the Employee Relations Officer shall arrange for a secret ballot election to be conducted and supervised by the California State Mediation and Conciliation Service (“CSMCS”), subject to the provisions of this Resolution. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Article II shall be included on the ballot. The choice of “no organization” shall also be included on the ballot thereby allowing employees the choice of representing themselves individually in their employment relations with the City.

Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall also apply to a run-off election.

There shall be no more than one valid election under this Resolution pursuant to any petition in a 12-month period affecting the same unit.

In the event that CSMCS declines to conduct the election, for any reason, the parties agree that the election shall be conducted by a neutral arbitrator selected from a list of seven (7) names to be provided by CSMCS. The parties shall alternately strike from the list until one name remains, and that person shall be appointed Election Supervisor.

If, once the Election Supervisor is appointed, the parties cannot agree as to the time, place, and manner of the election, the parties shall authorize the Election Supervisor to unilaterally determine such issues and carry out the election accordingly.

Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

Sec. 2.06. Procedure for Decertification of Exclusively Recognized Employee Organization

A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the month of March of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred twenty (120) days prior to the termination date of a Memorandum of Understanding then having been in effect less than three (3) years, whichever occurs later. A Decertification Petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as a representative of that unit.
- c. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
- d. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this Section.

An employee organization may, in satisfaction of the Decertification Petition requirements set forth in this Resolution, file a Petition under this Section in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%), that includes the allegation and information required under this Section 2.06, and otherwise conforms to the requirements of Section 2.01 of this Article.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article II. If his/her determination is in the negative, he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Sec. 2.10 of this Article II. If the determination of the Employee Relations Officer is in the affirmative, or if his

negative determination is reversed on appeal, he/she shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees. Upon request, the Employee Relations Officer shall provide a copy of the petition with names and all other identifying information redacted.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about thirty (30) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Sec. 2.05 of this Article II.

During the "open period" specified in the first paragraph of this Sec. 2.06, the Employee Relations Officer may on his/her own motion, when he/she has good faith doubt that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event any other employee organization may within fifteen (15) days of such notice file a Recognition Petition in accordance with this Sec. 8, which the Employee Relations Officer shall act on in accordance with this Sec. 2.06.

If, pursuant to this Sec. 2.06, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

Sec. 2.07. Policy and Standards for Determination of Appropriate Units

The Employee Relations Officer shall maintain a list of all current bargaining units in the City and shall have the management discretion to form and define reasonable bargaining units, based on the procedures specified in this Resolution. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest.

In considering whether classifications share an identifiable community of interest, the following factors shall be considered:

- a. Similarity of the work performed, required qualifications, levels of responsibility, and the general working conditions.
- b. History of representation in the City; except that no unit shall be deemed inappropriate solely on the basis of the extent to which employees in the proposed unit have organized.

- c. Consistency with the organizational patterns and structure of the City.
- d. Effect of differing legally mandated impasse resolution procedures.
- e. Number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.
- f. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more bargaining units.

Notwithstanding the foregoing provisions of this Section, managerial, supervisory and confidential responsibilities, as defined in Sec. 1.02 of this Resolution, are determining factors in establishing appropriate units hereunder, and therefore managerial, supervisory and confidential employees may only be included in a unit consisting solely of managerial, supervisory or confidential employees respectively.¹ Managerial, supervisory and confidential employees may not represent any employee organization which represents other employees.

¹ The Designation of Management or Confidential Employees and their representation units (if applicable) shall be subject to the following:

- a. The Employee Relations Officer is authorized to designate employees as management or confidential after consultation with recognized employee organizations concerned (if any exist), and may at any time revoke such designations. Upon designation by the Employment Relations Officer, the management and/or confidential employees will be assigned to an appropriate representative unit, unless no such unit exists. In the event no such appropriate representative unit exists, the management or confidential employees shall not be in any designated representative unit. Upon revocation of designation as a management or confidential employee, the Employee Relations Officer will assign the affected employee to an appropriate representative unit, unless no such unit exists. In the event no such appropriate representative unit exists, the affected employee shall not be in any designated representative unit.
- b. The Employee Relations Officer may combine, alter or modify confidential employee representative units or management employee representation units, after consultation with recognized employee organizations concerned (if any exist).
- c. An employee organization directly affected by an action taken by the Employee Relations Officer in accordance with this section may appeal to the Employee Relations Officer. The appeal shall be in writing and filed with the Employee Relations Officer within thirty (30) days after notice of such action is given to the directly affected employee organization by certified mail delivered to the employee organization at its address on file with the Employee Relations Officer. If the appeal is denied, the affected employee organization may invoke the impasse procedures prescribed in this Resolution, provided that the request for impasse procedure is filed in writing with the Employee Relations Officer within seven (7) days after the organization has been notified of the Employee Relations Officer's denial of the appeal by certified mail delivered to the organization. Failure to appeal or invoke the impasse procedure within the designated time shall be an abandonment of the organization's right to challenge the Employee Relations Officer's action.
- d. Action taken by the Employee Relations Officer pursuant to subdivision (a) or (b) above shall not have force or effect until the expiration of the 30-day time to appeal described in subdivision (c) above. If an appeal is timely filed pursuant to subdivision (c), such action shall not become effective pending hearing of the appeal and completion of the impasse procedure if invoked.

Peace Officers have the right to be represented in separate units composed solely of such peace officers.

Professional employees have the right to be represented separately from non-professional employees.

The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete classifications or positions from units in accordance with the provisions of this Section. The decision of the Employee Relations Officer shall be final.

Sec. 2.08. Procedure for Modification of Established Appropriate Units

a. Request for Modification from Employee Organizations

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Sec. 2.06 of this Article II. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Sec. 2.01 of this Article II, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Sec. 2.07 of this Resolution. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article II.

b. Unit Modification by Motion of the Employee Relations Officer

When new classifications are adopted, existing classifications abolished, or when a classification is no longer compatible with the existing bargaining unit under the factors of Sec. 2.07 of this Article II, the Employee Relations Officer may, by his or her own motion, at any time propose that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard.

Thereafter, the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Sec. 2.07 of this Article II, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 2.10 of this Article II.

If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Sec. 2.01 of this Article II.

Sec. 2.09. Procedure for Processing Severance Requests

An employee organization may file a request to become the exclusively recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another exclusively recognized employee organization. The timing, form and processing of such request shall be as specified in Sec. 2.08 of Article II for modification requests.

Sec. 2.10. Appeals

An employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Sec. 2.01), Challenging Petition (Sec. 2.03), Decertification Petition (Sec. 2.06), Determination of an Appropriate Unit (Sec. 2.07), Unit Modification Petition (Sec. 2.08) or Severance Request (Sec. 2.09) has not been filed in compliance with the applicable provisions of this Article II, may, within ten (10) days of notice of the Employee Relations Officer's determination, appeal such determination to the City Council for final decision.

Appeals to the City Council shall be filed in writing with the City Clerk, and a copy thereof served on the Employee Relations Officer. The City Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a non-binding third party hearing process.

Any decision of the City Council on the use of such procedure, and/or any decision of the City Council determining the substance of the dispute shall be final and binding.

Article III -- Administration

Sec. 3.01. Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the City by an Exclusively Recognized Employee Organization under items (a) through (h) of its Recognition Petition under Sec. 2.01 of this Resolution shall be submitted in writing to the Employee Relations Officer within fourteen (14) days of such change.

Sec. 3.02. Employee Organization Activities -- Use of City Resources

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in Memoranda of Understanding and/or administrative rules and procedures, and shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

Sec. 3.03. Administrative Rules and Procedures

The Employee Relations Officer is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

Article IV -- Impasse

Sec. 4.01. Impasse Resolution

If the meet and confer process has reached impasse as defined in Article 1, Section 1.02 of this Resolution, the parties (the City and the Employee Organization) can agree on any impasse resolution process they believe will help them resolve their impasse. This includes, but is not limited to an internal meeting (e.g., with the City Manager) or mediation. Any impasse resolution procedures are voluntary. Both parties have to agree.

Whether or not the parties utilize any impasse resolution process, the employee organization has the right to submit the impasse to fact-finding as provided for in the MMBA.

Sec. 4.02. Costs of Impasse Procedures

The cost for the services of a mediator and/or any other mutually incurred costs of any other impasse procedures shall be borne equally by the City and Recognized Employee Organization. Separately incurred services or costs shall be borne solely by the party incurring the cost.

Article V -- Miscellaneous Provisions

Sec. 5.01. Construction

This Resolution shall be administered and construed as follows:

- a. Nothing in this Resolution shall be construed to deny to any person, employee, organization, the City, or any authorized officer, body or other representative of the City, the rights, powers and authority granted by federal or state law (or Municipal Code provisions).
- b. This Resolution shall be interpreted so as to carry out its purpose as set forth in Article I.
- c. Nothing in this Resolution shall be construed as making the provisions of California Labor Code Section 923 applicable to City employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work. In consideration of and as a condition of initial and continued employment by the City, employees recognize that any such actions by them are in violation of their conditions of employment, except as expressly otherwise provided by legally preemptive state or contrary local law. In the event employees engage in such actions, they shall subject themselves to discipline up to and including

termination, and may be replaced, to the extent such actions are not prohibited by preemptive law; and employee organizations may thereby forfeit all rights accorded them under this Resolution and other City law for a period of up to one (1) year from commencement of such activity.

- d. Nothing in this Resolution shall be construed as a waiver of any rights unless expressly and specifically stated.

Sec. 5.02. Severability

If any provision of this Resolution, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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



PUBLIC HEARING

Agenda Item # 9

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Zoning Text Amendment ZTA 20-0003 to repeal and replace the design control sections of the Los Altos Municipal Code to codify objective zoning standards pursuant to recent changes to state law.

Prepared by: Guido F. Persicone, Planning Services Manager
Jon Biggs, Community Development Director

Reviewed by: Gabriel Engeland, City Manager

Attachments:

1. Objective Standards Ordinance
2. Objective Design Standards - clean version
3. Project Comments
4. Response to Comments

Initiated by:
City Council Priority

Previous Council Consideration:
February 23, 2021, March 16, 2021, and July 13, 2021,

Fiscal Impact:
This meeting does not have a fiscal impact on the City because the consultant contract was previously approved by the Council on March 17, 2020 and was amended on May 11, 2021.

Environmental Review:
The proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and therefore is exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." The Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment, and it also adheres to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment). The proposed Objective Standards will also preserve the scenic quality of the City of Los Altos by establishing enforceable development standards and design guidelines that are intended to protect the existing community character.



Subject: Objective Standards -Zoning Text Amendment ZTA 20-003

Policy Question(s) for City Council Consideration:

- Do the proposed Objective Standards provide adequate and appropriate direction that can be relied on by the community to guide change in Los Altos?

Summary:

This is a public hearing on the proposed objective standards, which allows the City Council an opportunity to continue its review of these new regulations.

Staff Recommendation:

1-Introduce and waive further reading of the draft ordinance as amended by the City Council at the February 23, 2021, March 16, 2021, July 13, 2021 meetings leading to adoption of the Objective Standards (Attachment 1- Objective Standards Ordinance)

2-Introduce and waive further reading of the draft ordinance as amended by the City Council at the February 23, 2021, March 16, 2021, July 13, 2021 meetings leading to adoption of the Objective Standards (Attachment 1-Objective Standards Ordinance) and refer the amendments back to the Planning Commission for further study.

3-Introduce and waive further reading of the January 2021 Planning Commission recommended version of the draft ordinance.

4-Further amend the ordinance but send it back to the Planning Commission for additional review and study.

Purpose

Objective zoning standards are intended to guide future multi-family development in Los Altos.

Background

On January 28, 2020, the City Council adopted a resolution directing City staff to accept Senate Bill 2 (SB 2) grant funds from the State of California in order to prepare objective zoning standards. Following the conclusion of this meeting, a Request for Proposals (RFP) was sent out via the City website, to all interested parties and consulting firms. After release of the RFP a Pre-Bid Conference call was organized by City staff. Five consulting firms participated in this pre bid meeting allowing them to ask questions and to receive clear direction from City staff regarding the information needed in the RFP submittal package. February 28, 2020 was the deadline to submit a proposal to Los Altos. On this date, the City received one proposal from Lisa Wise Consulting (LWC) in conjunction with Opticos Design.

On March 17, 2020, the City Council authorized a contract with the consultant team (Lisa Wise Consultant in conjunction with Opticos Design) to prepare objective zoning standards to help guide



Subject: Objective Standards -Zoning Text Amendment ZTA 20-003

future development in the City in light of recent changes to state law.¹ While the contract was approved by the City Council, a subcommittee was formed of Councilmembers Bruins and Pepper to iron out the project schedule and the final language of the agreement. After two meetings with the consultant team in April, the contract was ready for signature and fully executed by the City on April 30, 2020.

In April/May 2020 the consultant team conducted a thorough background assessment of relevant multifamily and residential mixed-use objective design standards including but not limited to the General Plan, the Housing Element, the Zoning Code and the Downtown Design Guidelines among other relevant documents and reports.

On June 10th and 11th of 2020, approximately 30 interviews were conducted with key project stakeholders including local architects, city staff, community members, downtown business owners, and appointed and elected officials.

On June 30, 2020, a joint Planning Commission and City Council meeting occurred to review the project. The purpose of the June 30, 2020 meeting was to provide the City Council the broad themes that have been garnered from a review of the existing Los Altos codes and from comments/feedback provided by the stakeholders.

On July 14th, 15th, 16th, 2020, based on feedback from the City Council, additional outreach was done to capture all stakeholder voices for this project. Eight additional stakeholders were interviewed by the consultants.

On September 9, 2020, a joint meeting of the Planning Commission and City Council occurred to discuss the Draft Objective Standards. The focus of this meeting was to ensure that the Annotated Framework was consistent with Council direction.

On October 27, 2020, a joint meeting of the Planning Commission and City Council occurred. The focus of this meeting was to further clarify City Council direction prior to the Planning Commission reviewing the document during subsequent public hearings.

On November 5, 2020, the Planning Commission held its first public hearing on the objective standards and following a lengthy discussion on all elements of the draft code, directed staff and the consultant team to develop some modifications based on its feedback and return with the revisions.

¹ See SB 330, SB 35, AB 1485 and AB 881 for modifications to State law that require more clear zoning standards moving forward.



Subject: Objective Standards -Zoning Text Amendment ZTA 20-003

On December 3, 2020, the second Planning Commission public hearing of the objective standards was held. The Commissioners conducted another thorough review of the draft regulations and following its review developed some specific adjustments they felt would enhance the overall effectiveness of the standards.

On January 21, 2021 the third Planning Commission public hearing occurred. After a review of the modifications, the Commission recommended approval to the Council of the objective zoning standards, subject to a few other adjustments.

At its Study Session on February 23, 2021, the City Council reviewed a draft of the Objective Standards (Attachment 2-Objective Design Standards - clean version) and provided the following direction to staff on the next steps in the review of these regulations:

1. Meet with each Councilmember individually and answer questions and provide clarifications about the Objective Standards
2. Collect and distribute to the full City Council edits or written requests of individual Councilmembers for modifications or topics to be included in the Objective Standard.
3. Develop a list of additional resources or information that will assist the City Council as it reviews the Objective Standards.

On March 16, 2021 after staff had an opportunity to meet one-on-one with each of the Councilmembers and address questions as well as listen to recommendations and suggestions, the objective standards were brought back, so that all City Council members could collectively see and share in the input that had been provided and allow it to provide further direction to the consultant team and staff before the draft ordinance was returned to the City Council at a public hearing.

On July 13, 2021, the Council again considered a draft of the objective standards and its actions as a result of this review is explained and addressed below.

Discussion

Following its deliberation, the City Council referred the ordinance back to staff and the consultant team with direction that any edits or suggested modifications to the ordinance by members of the City Council or members of the public be provided to staff as soon as possible so that it could edit the draft ordinance as appropriate for return to the City Council and further consideration.

Staff has received edits and comments from Mayor Fligor, Vice Mayor Enander, and City Councilmember Lee-Eng as well as comments from some members of the public – these



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are included with this agenda report under Attachment 3 (Project Comments). In Attachment 4 (Response to Comments), the City Council will find a list of all the comments with a reply to each. All the comments have been reviewed and, where appropriate, the Draft Objective Standards attached with this agenda report, Attachment 2 (Objective Standards-clean version), have been modified to incorporate the comment. Some of the comments require a broader consideration by the full City Council and the replies in Attachment 4 (Response to Comment) reflect this.

Conclusion

The City Council is considering a broadly sweeping update to the City’s zoning code that provides “objective standards” against which future projects will be evaluated. These objective standards are intended to provide clear and measurable site development standards against which applicants, staff, decision makers and the community can evaluate a project. These standards are being developed in response to recent legislation at the State level that has increasingly removed a city’s ability to exercise discretion in the review of a project, either a multifamily housing project or a mixed-use project.

As defined by Government Code 65400, objective zoning standards and objective design review standards mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Objective Standards have been developed for each zone district in Los Altos that allows, either as a permitted or conditionally permitted use, multi-family or mixed-use projects. In addition to the typical site development standards, such as setback, height limit, and coverage requirements, the City Council will find standards that will be applicable to the design and form of buildings. These have been developed using best practice standards and the expertise of the Consultant team, which has developed objective standards for many other communities in California, along with the input of the Planning Commission and City Council members.

The purpose of the August 24, 2021, meeting is to allow City Council members to review the revised document in light of the input provided by the full City Council in July of this year.

Options

- 1) Introduce and waive further reading of the draft ordinance as amended by the City Council at the February 23, 2021, March 16, 2021, July 13, 2021 meetings leading to adoption of the Objective Standards (Attachment 1- Objective Standards Ordinance).



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Advantages: Allows the project to continue towards adoption at a meeting in the near term

Disadvantages: There is no disadvantage to adopting regulations that are compliant with state law.

- 2) Introduce and waive further reading of the draft ordinance as amended by the City Council at the February 23, 2021, March 16, 2021, July 13, 2021 meetings leading to adoption of the Objective Standards (Attachment 1-Objective Standards Ordinance) and refer the amendments back to the Planning Commission for further study

Advantages: Would provide a venue for the Planning Commission to take another look at the Objective Standards and develop recommendations that enhance/improve the adopted Objective Standards that could be brought forward as amendments at a later date for City Council consideration.

Disadvantages: If the Planning Commission made recommendations that are different than what is adopted it may provide some uncertainty for those submitting development applications submitted based on adopted Objective Standards.

- 3) Introduce and waive further reading of the January 2021 Planning Commission recommended version of the Draft Ordinance.

Advantages: Introduces the Objective Standards regulations and allows them to proceed towards adoption.

Disadvantages: There is no disadvantage to adopting regulations that are compliant with state law.

- 4) Further amend the ordinance but send back to the Planning Commission for additional review and study.

Advantages: Will allow time for additional information to be collected and the ordinance to be modified to reflect the input of the Planning Commission

Disadvantages: Delays the adoption of these regulations.

The staff recommends Option 1.

ORDINANCE NO. 2021-478

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING TITLE 14 (ZONING) BY CREATING OBJECTIVE ZONING
STANDARDS FOR RESIDENTIAL DEVELOPMENT**

WHEREAS, the Housing Accountability Act, Government Code Section 65589.5, limits a public agency’s ability to deny approval of a housing development project or to approve the project at a lower density if the project complies with any and all objective general plan, zoning, design, and subdivision standards applicable to the project; and

WHEREAS, on January 1, 2018, Senate Bill 35, intended to help address California’s housing shortage, went into effect requiring streamlined and ministerial review process for multifamily and mixed-use housing projects meeting specific qualifications; and

WHEREAS, on January 1, 2020, Senate Bill 330 went into effect encouraging the use of objective design standards and discouraging the adoption of new subjective design standards; and

WHEREAS, as defined by the Housing Accountability Act and Senate Bill 35 (Government Code Sections 65589.5 and 65913.4), objective zoning standards and objective design review standards mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal; and

WHEREAS, on November 5, 2020, December 3, 2020, and January 21, 2021, the Planning Commission held a duly noticed public hearings on Zoning Code Text Amendment (ZTA 20-003); and

WHEREAS, on January 21, 2021, the Planning Commission recommended approval of the proposed zoning text amendment Zoning Text Amendment (ZTA 20-003) to the City Council; and

WHEREAS, on February 23, 2021, March 16, 2021, and July 13, 2021, August 24, 2021, the City Council reviewed Zoning Text Amendments (ZTA 20-0003); and

WHEREAS, this Ordinance implements Policy 1.4 and Policy 2.4 of the of the City’s 2015-2023 Housing Element by evaluating the design review process and by ensuring the orderly development of multifamily housing within Los Altos; and

WHEREAS, based on all the evidence presented in the administrative record, including but not limited to the staff reports for the proposed Objective Standards, the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment as the Ordinance has no potential to result in

a direct, or reasonably foreseeable, indirect impact on the environment; and pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), in that the proposed Objective Standards will preserve the scenic quality of the City of Los Altos by establishing enforceable development standards and design guidelines that are intended to protect the existing community character.

WHEREAS, the streamlining of multifamily housing development projects will assist the City of Los Altos in achieving State and regional goals for the construction of new affordable units as defined in the Regional Housing Needs Allocation (RHNA) process;

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Title 14 of the Los Altos Municipal Code is hereby amended and replaced with the new standards and shall read as follows:

The following definitions shall be added to 14.02.070 (Definitions) of the Los Altos Municipal Code:

“Board-formed concrete” means concrete that has textured patterns on its finished surfaces that retain the wood grain of boards or molds used to form the wet concrete.

“Chamfered corner” means a building corner which is cut back at a 45-degree diagonal from the primary façade to provide a corner surface at least 8 feet in length

“Façade” means the exterior wall on all sides of the building.

“Façade” means the exterior wall on any side of a building. “Lined” parking refers to a building configuration where residential, commercial, or office uses are located between a street-facing property line and above-ground parking levels. Also referred to as a “wrapped” building

“Lined” refers to parking located behind non-residential uses.

Section 14.66.180 (Maintenance of landscape areas) shall be amended to read as follows:

14.66.180 - Maintenance of landscaped areas- A landscaped strip or other landscaped area provided in compliance with district regulations or as a ~~condition approval of a use permit~~ shall be planted with fast growing materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped strips and other landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, or otherwise maintained as deemed necessary by the building inspector.

R3-4.5-14.16.100- Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-5-14.18.120-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-3-14.20.120-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-1.8-14.22.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-14.24.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CN-14.40-150-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CD-14.44.130-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CRS-14.48.130-Design Controls- repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CT-14.50.170-Design Controls- repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CD/R3-14.52.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CRS/OAD-14.54.130-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

SECTION 2. 14.66.275 and 14.66.280 ADDED: The Los Altos Municipal Code is hereby amended to add the following new subsections:

14.66.275-Entrance Type Standards-as referenced in Exhibit A (Objective Design Standards)

14.66.280-Design Standards to All Multi-Family Zones and Commercial Zones that Support Residential Mixed-Use Development as referenced in Exhibit A (Objective Design Standards).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA. The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15308, of the CEQA Guidelines.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of

publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Neysa Fligor Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

Exhibit A-City of Los Altos Objective Design Standards

LWC



City of Los Altos Objective Design Standards

Hearing Draft

August 2021

Prepared for:

City of Los Altos
1 N. San Antonio Road
Los Altos, CA 94022

Prepared by:

Lisa Wise Consulting, Inc.
870 Market Street, Suite 977
San Francisco, CA 94102

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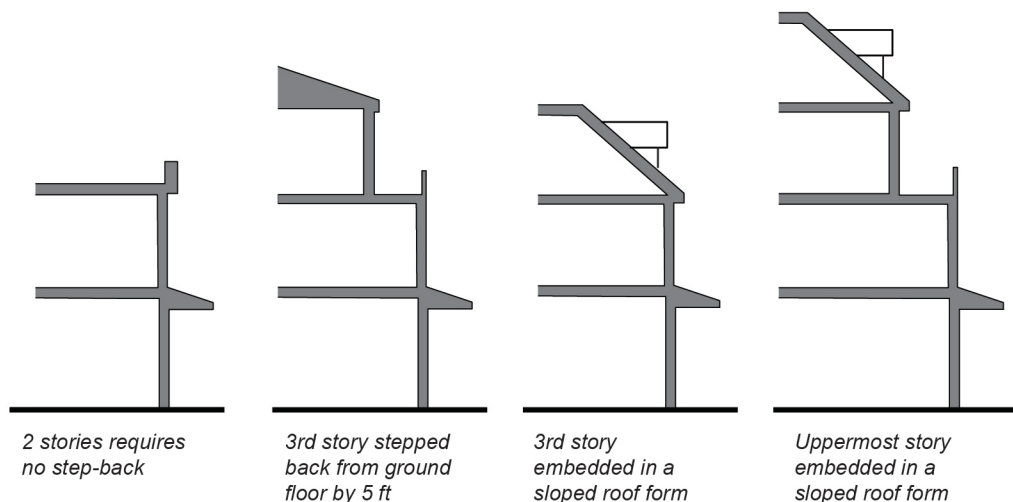
Revised 14.40.150 Design Control (CN)

A. Building Placement. A minimum 75 percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).

B. Building Massing and Articulation.

1. ***Upper-story Step-backs, Front and Street Side***

- a. Along all frontages except El Camino Real, the third story must be either stepped back a minimum 5 feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.40.150.B.7.
- b. For buildings over three stories along all frontages except El Camino Real, the uppermost story must be embedded in a sloped roof form.

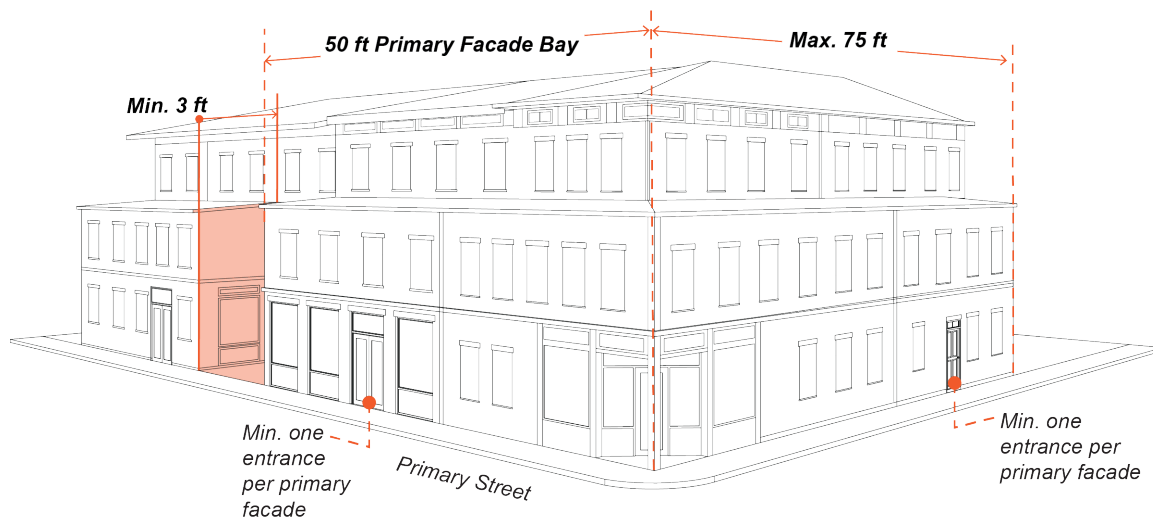


2. ***Upper Story Step-backs, Side Interior and Rear where Abutting an R-1 District.***

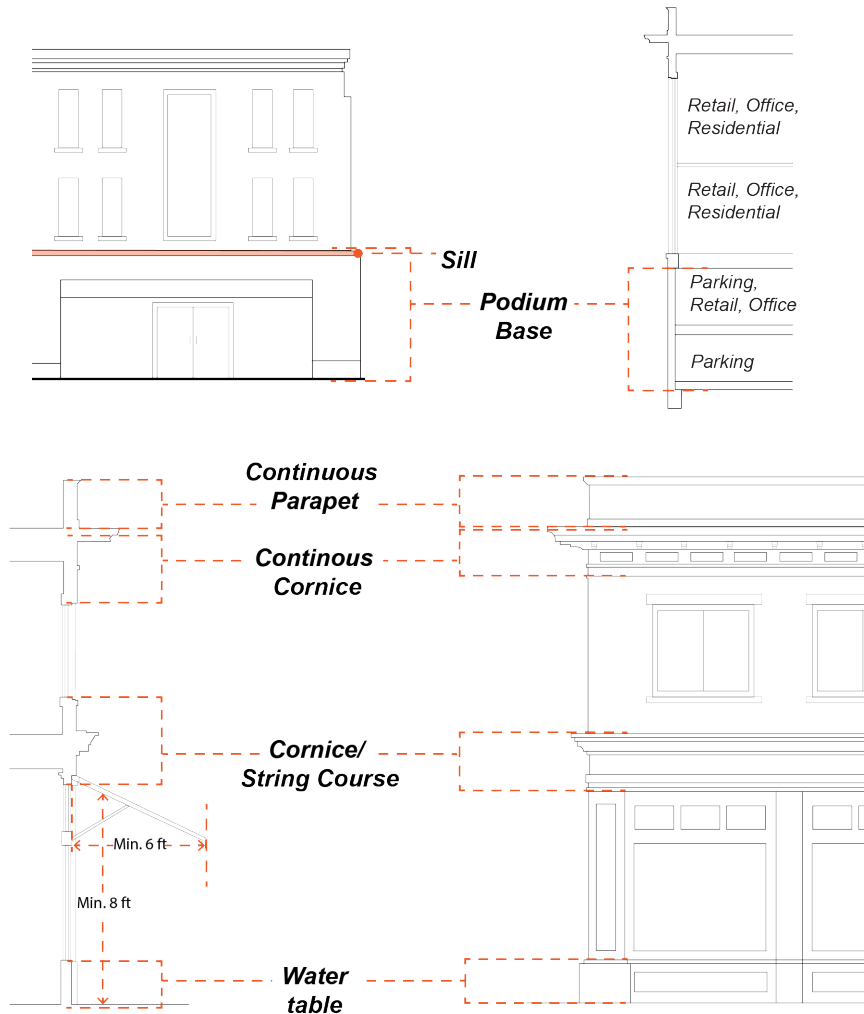
- a. The third story must be either stepped back a minimum 10 feet from ground floor façade or embedded in a sloped roof form.
- b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form.

3. ***Vertical Articulation.***

- a. When a building façade exceeds 75 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. A minimum one entrance shall be provided per primary façade bay.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



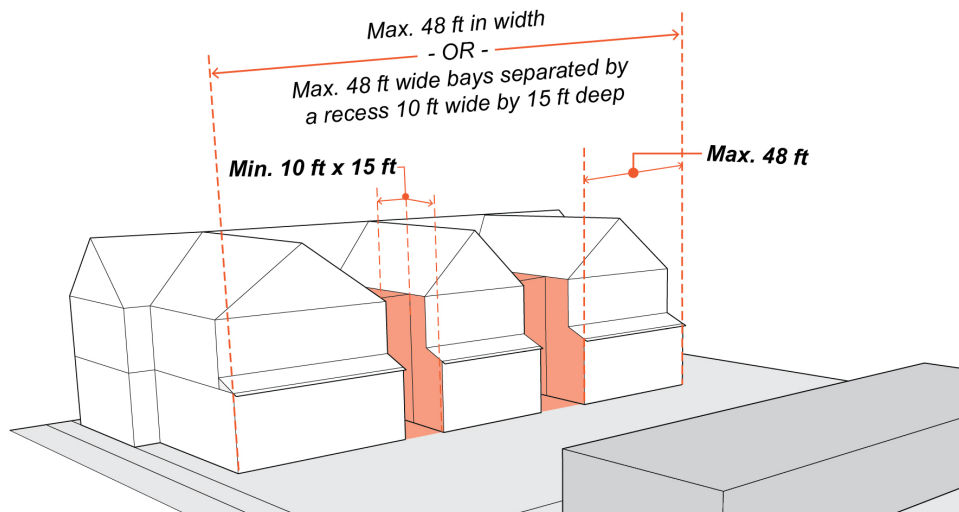
4. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
 - a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between 8 and 54 inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
 - b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.40.150.B.7. These elements shall be consistent with the overall architectural style of the building mass/bay.



5. **Adjacencies.**

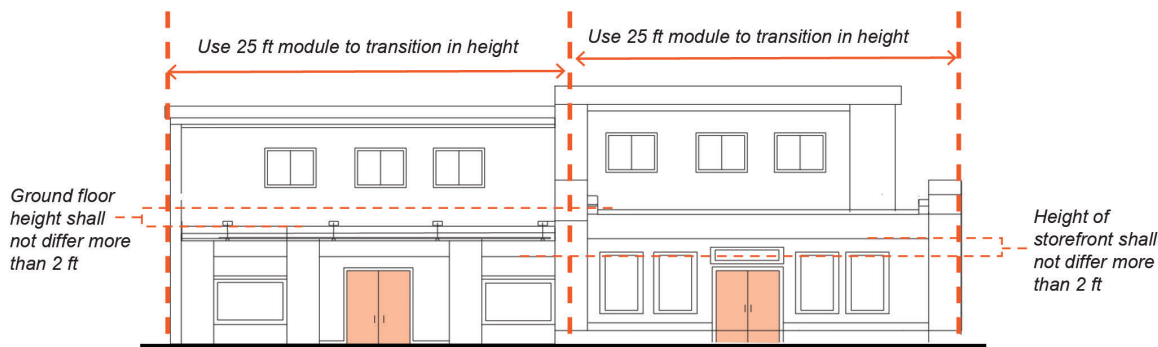
a. *Facades Adjacent to an R-1 District.*

- i. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
- ii. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 10 feet wide and 15 feet deep.
- iii. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
- iv. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.



b. *Storefront Facades Adjacent to Storefront Facades.*

- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
- iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.

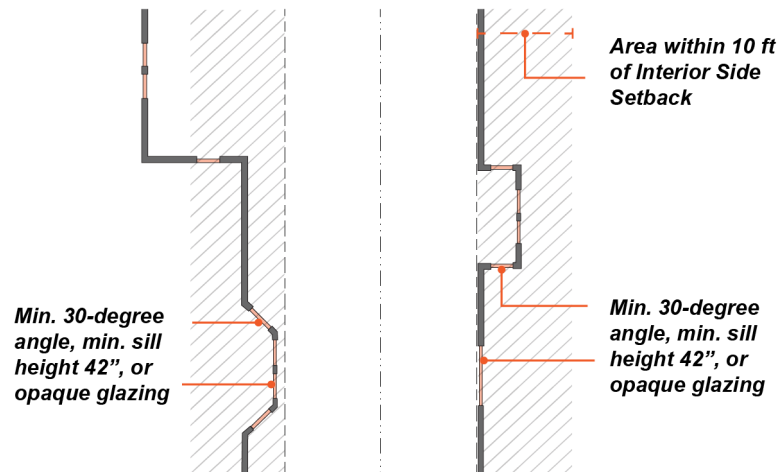


c. *Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.* When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:

- i. Incorporate the uppermost floor into the roof form
- ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
- iii. Match window heights and/or proportions
- iv. Relate roof cornices and moldings at floor lines

6. **Privacy and Line of Sight.**

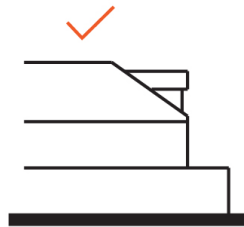
- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.



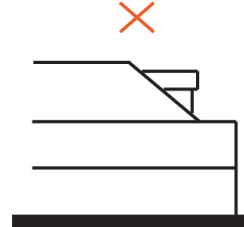
7. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
 - i. Hipped
 - ii. Gable
 - iii. Shed
 - iv. Dormer
 - v. Parapet
 - (a) Not allowed on frontages facing Fremont Avenue.
 - (b) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps
 - (2) Curves
 - (3) Angled surfaces

- (c) The length of a parapet segment on the third floor and above may not exceed 25 feet.
- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.

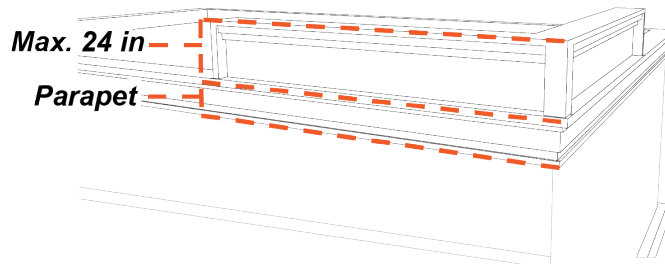


Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.



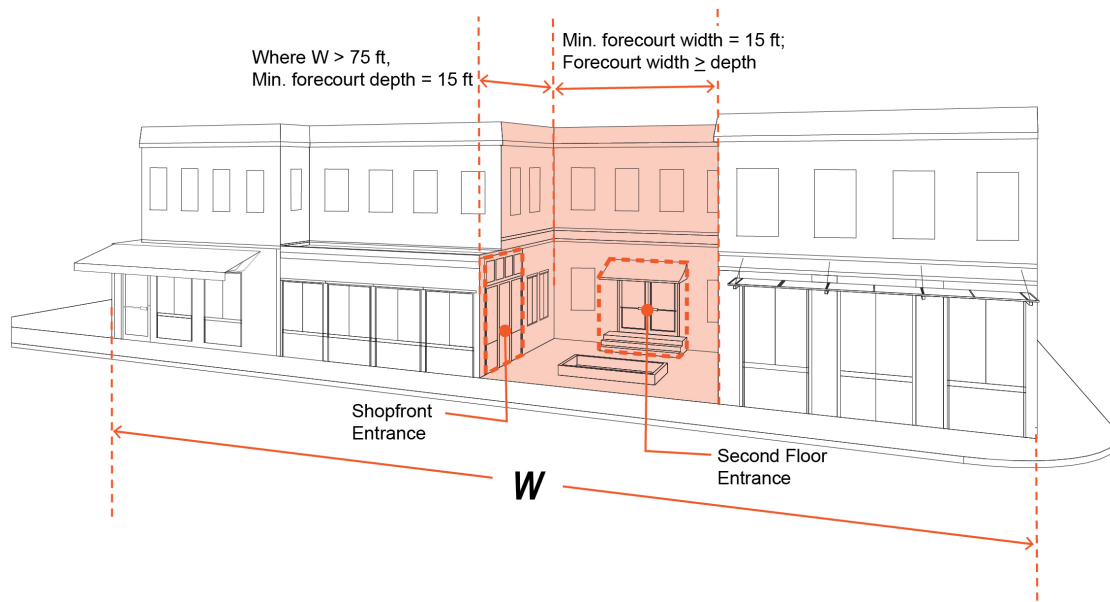
C. Building Design.

1. Façade Design.

- a. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
- c. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
- d. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

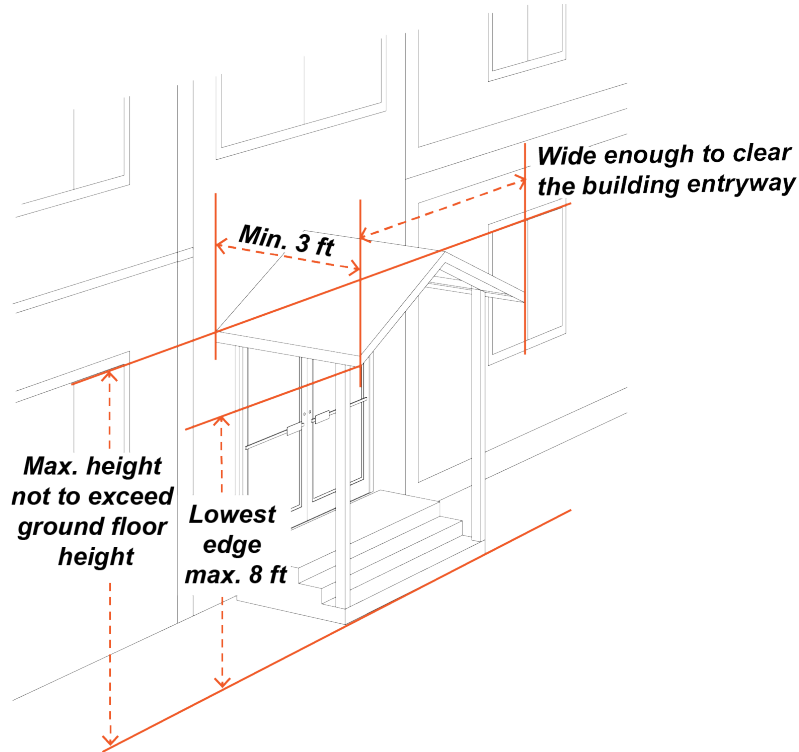
2. Pedestrian-Scaled Entrances.

- a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop
 - ii. Dooryard
 - iii. Shopfront
 - (a) Shopfronts more than 25 feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed 25 continuous feet.
 - iv. Gallery
 - v. Arcade
 - vi. Forecourt
 - (a) Forecourts must feature at least one entry to a shop and/or second floor use.
 - (b) Forecourts for buildings more than 70 feet in length along a right-of-way must have a minimum width and depth of 15 feet from front façade. Width of forecourt shall be equal to or greater than depth.
 - (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
 - (d) Forecourt must be enclosed on at least three sides by buildings.
 - (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



- b. *Primary Entrance Location(s).* The building entrance shall be located along the primary right-of-way.
- c. *Individual Entries.* Ground floor residential units facing a street must provide individual entries along the street frontage.
- d. *Corner Entrances.* Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- e. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants
- f. *Entry Protection.* Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.

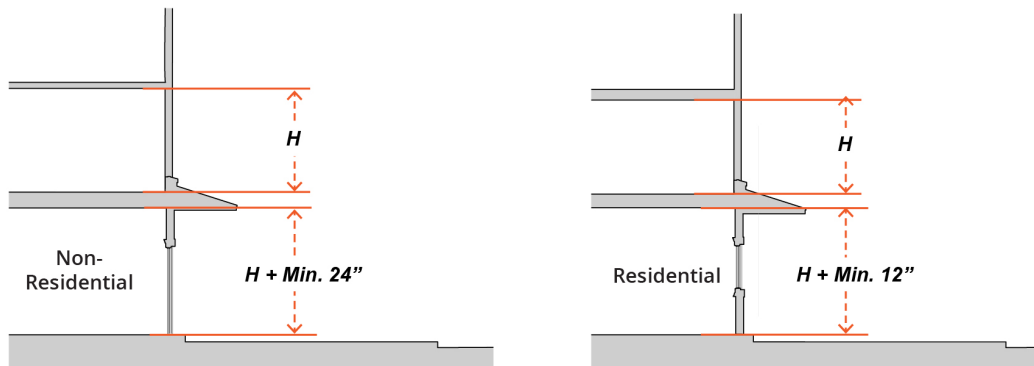
- i. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than 8 feet.
- ii. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- g. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are exempted.

3. **Ground Floor Floor-to-Ceiling Height.**

- a. Minimum 24 inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
- b. Minimum 12 inches taller than typical upper floor floor-to-ceiling height where ground floor is residential



4. **Interior Courtyard.** Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
 - b. Enclosed on at least two sides by buildings
 - c. Open to the sky (arbors and trellises are allowed)
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.
5. **Paseos.** Paseos must be:
 - a. A minimum width of 10 feet for through-block paseos
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.

D. Window Design.

1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
2. Vinyl windows are prohibited on facades visible from a right-of-way.
3. Tinted glass is not allowed.

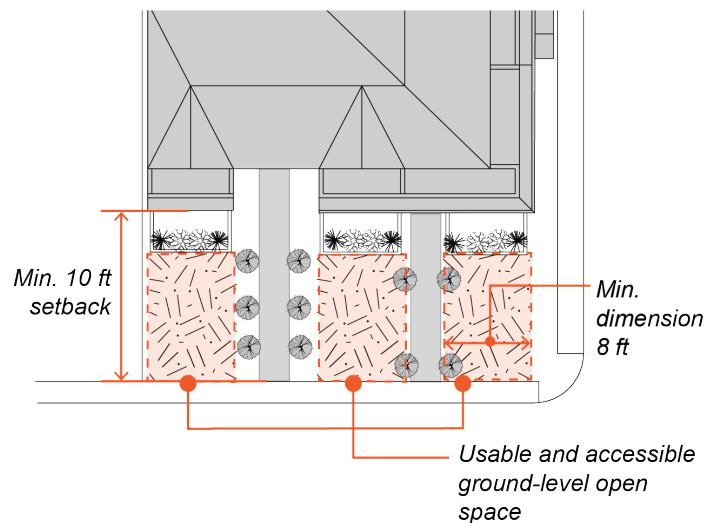
E. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum not permitted.
 - c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.

- ii. Wood siding shall be painted or stained.
- iii. Vinyl and aluminum siding are not permitted.
- c. Stone (building base only)
- d. Brick (building base only)
- e. Tile (for bulkheads below display windows and decorative accents only)
- f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
- g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone)
- h. Concrete (building base only, board-form only, cast concrete not permitted).

F. Ground Level Open Space. Where any required front, rear, or side yard setback is 10 feet or greater, on-site ground-level open space shall be provided within the setback.

- 1. The ground level open space shall be usable and accessible.
- 2. The minimum dimension for ground level open space shall be 8 feet.



G. Landscaping, Paving and Pedestrian Amenities.

- 1. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
- 2. Within the Loyola Corners Specific Plan Overlay district, landscaping, paving and pedestrian amenities shall be as specified in the Loyola Corners Specific Plan.

Revised 14.40.150 Design Control (CN)

3. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

H. Site Circulation and Access

1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
2. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.

I. Service Areas and Screening.

1. Service areas must be located at the rear of lot.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

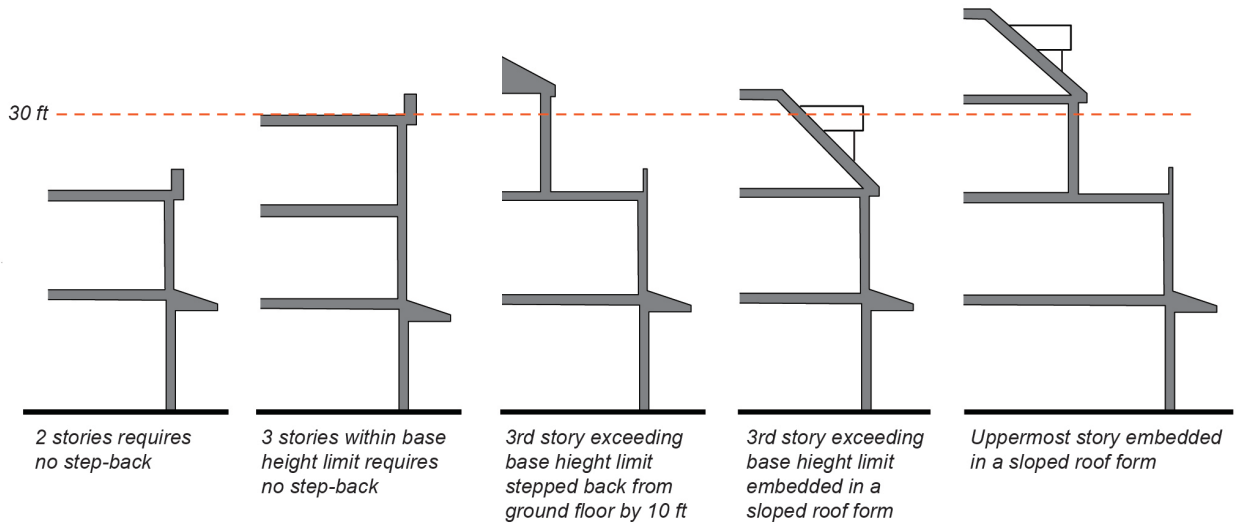
J. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CN District.

Revised 14.44.130 Design Control (CD)

A. Building Massing and Articulation.

1. Upper-story Step-backs.

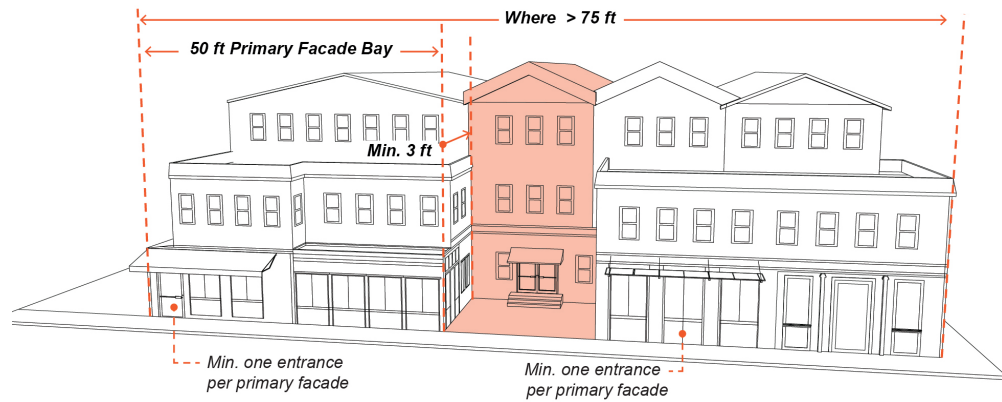
- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height.



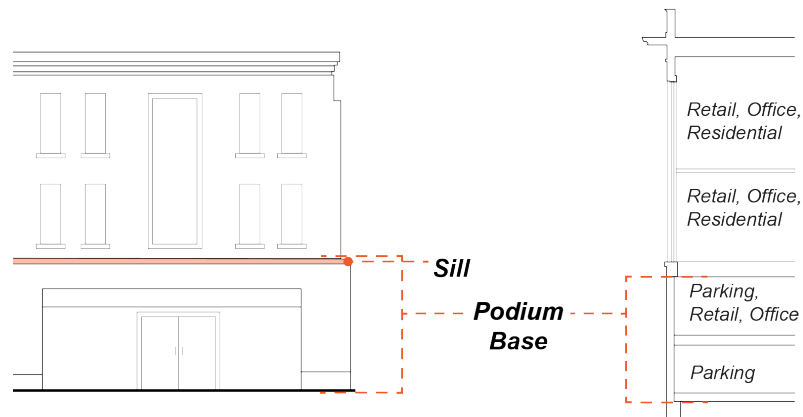
- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height.
- c. For buildings over three stories in height, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.44.130.A.6.

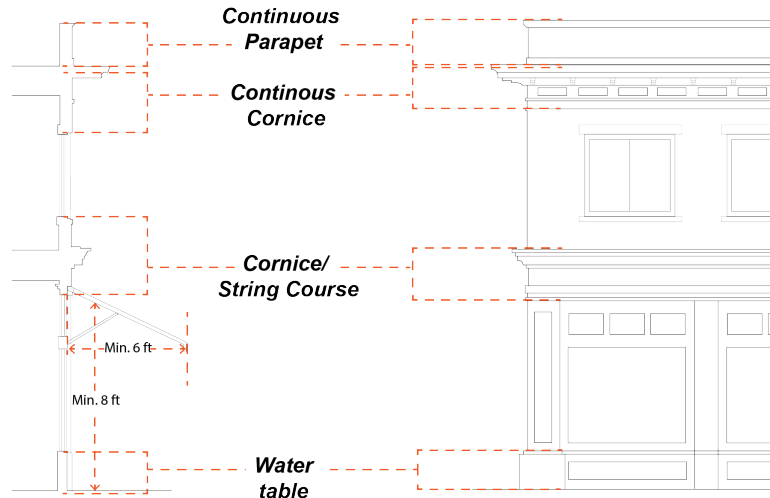
2. Vertical Articulation.

- a. When a building façade exceeds 75 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. A minimum one entrance shall be provided per primary façade bay.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



3. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
 - a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between 8 and 54 inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
 - b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.44.130.A.6. These elements shall be consistent with the overall architectural style of the building mass/bay.

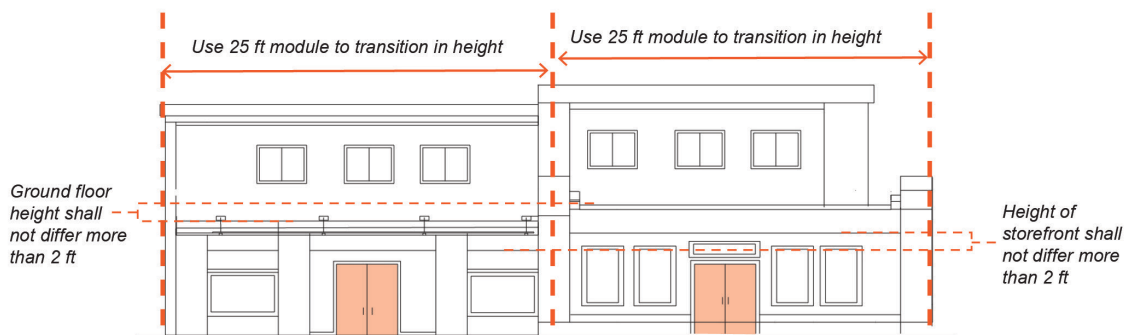




4. **Adjacencies.**

a. *Storefront Facades Adjacent to Storefront Facades.*

- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
- iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.

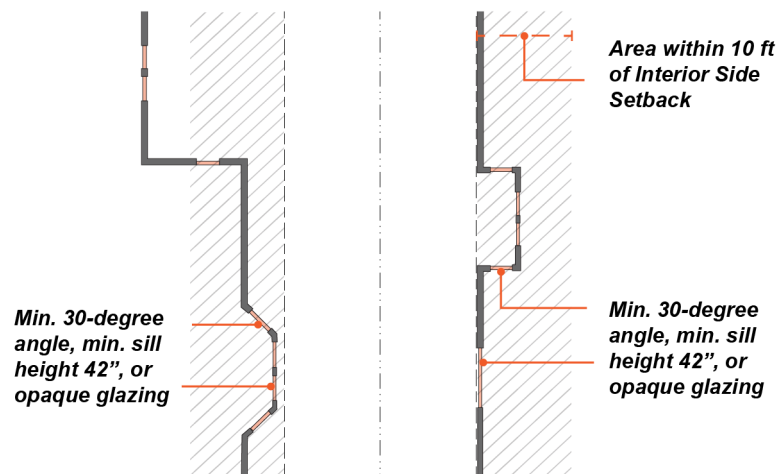


b. *Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.* When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:

- i. Incorporate the uppermost floor into the roof form
- ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
- iii. Match window heights and/or proportions
- iv. Relate roof cornices and moldings at floor lines

5. **Privacy and Line of Sight.**

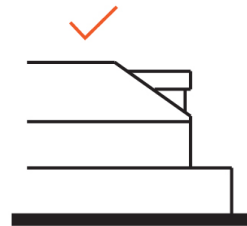
- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.



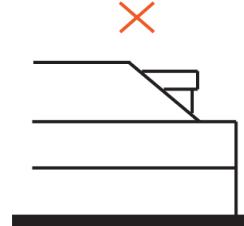
6. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
 - i. Hipped
 - ii. Gable
 - iii. Mansard
 - (a) Applicable for buildings 3 or more stories.
 - iv. Dormer
 - v. Parapet.
 - (a) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps
 - (2) Curves
 - (3) Angled surfaces
 - (b) The length of a parapet segment on the third floor and above may not exceed 25 feet.

- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.

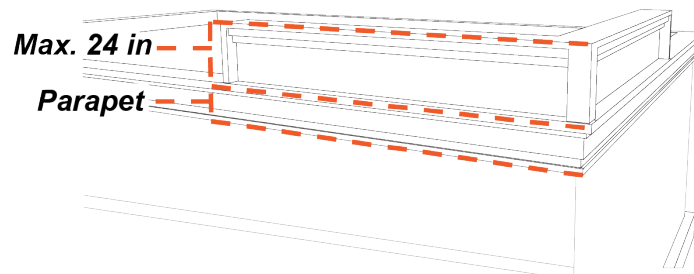


Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.

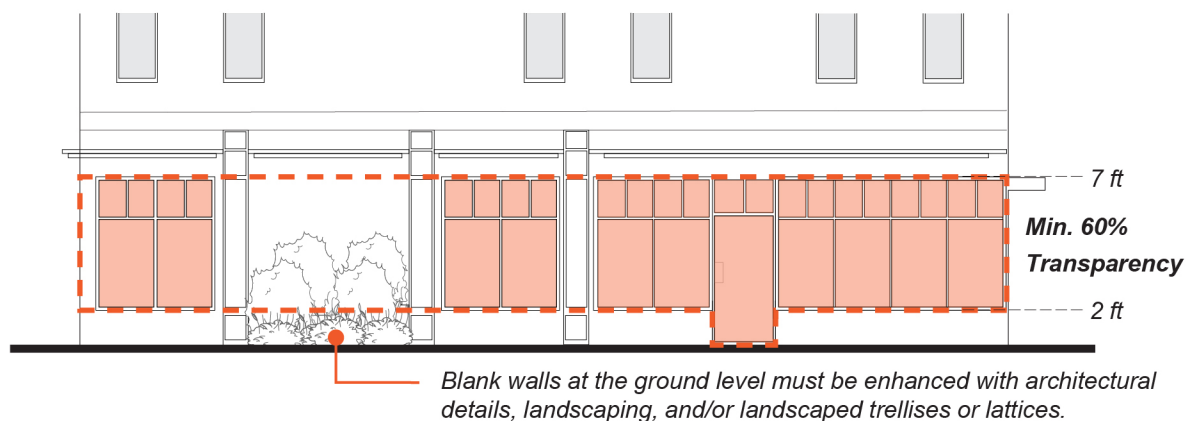


B. Building Design.

1. Façade Design.

- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 50-foot module along all street frontages through the use of the following techniques:
- i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.

- iv. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
 - b. At least two of the following strategies must be used in a manner that reinforces the maximum 50-foot module:
 - i. Change in roof parapet height or shape.
 - ii. Change in roof style
 - iii. Change in materials palette
 - iv. Change in building height, minimum 8-foot difference.
 - v. Change in frontage type or change in details of Shopfront frontage type if used.
 - vi. Use of upper floor projections such as bay windows or balconies.
2. **Ground Level Transparency.** A minimum 60 percent of commercial ground floor street-facing facades between 2 and 7 feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.

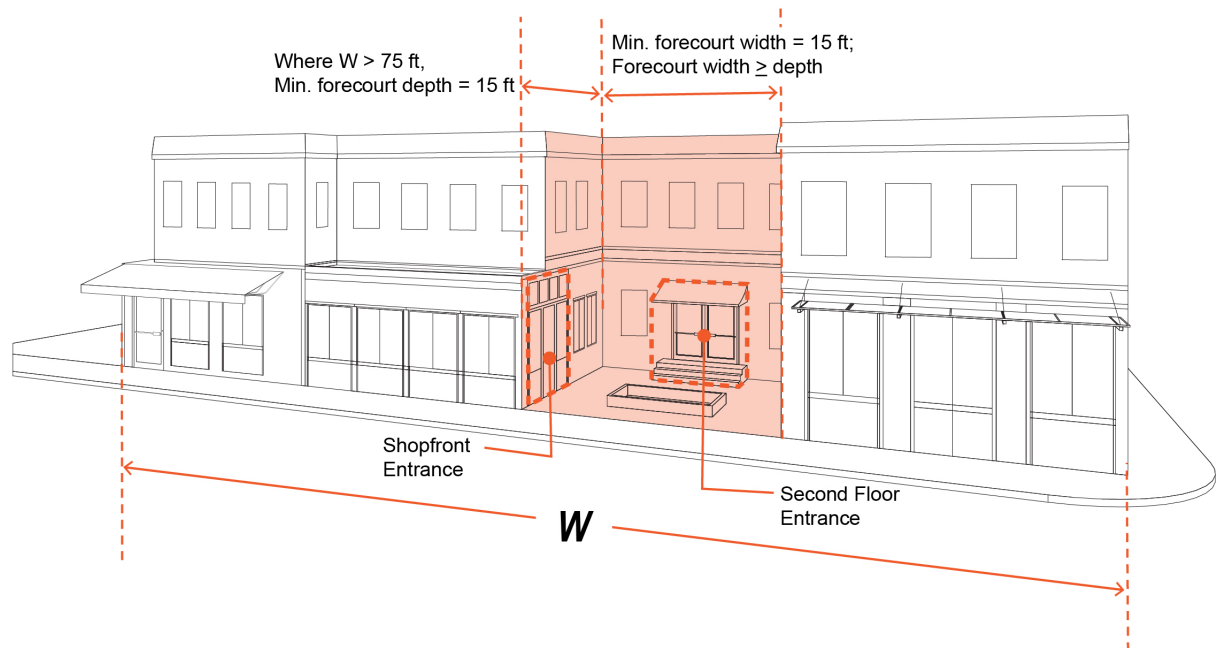


3. **Pedestrian-Scaled Entrances.**
- a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop
 - ii. Dooryard
 - iii. Shopfront
 - (a) Shopfronts more than 25 feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed 25 continuous feet.
 - iv. Gallery

v. Arcade

vi. Forecourt

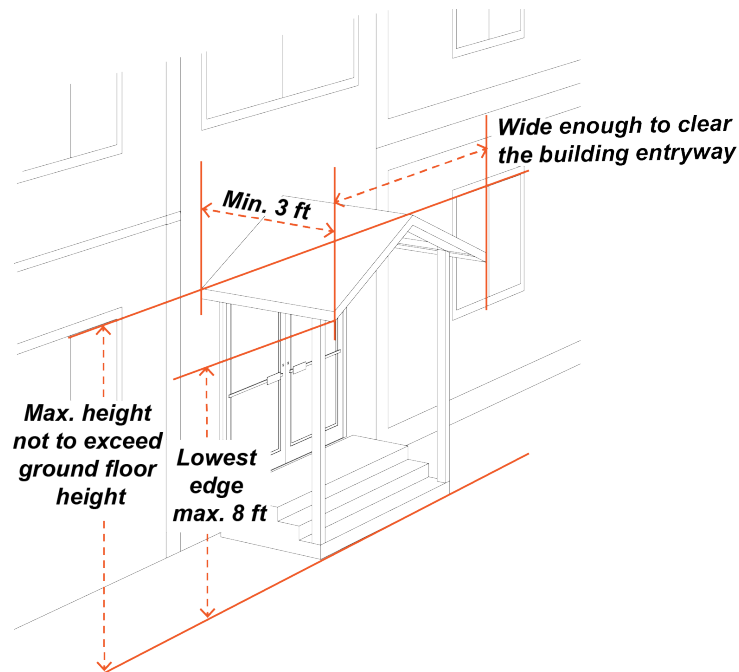
- (a) Forecourts must feature at least one entry to a shop and/or second floor use.
- (b) Forecourts for buildings more than 70 feet in length along a right-of-way must have a minimum width and depth of 15 feet from front façade. Width of forecourt shall be equal to or greater than depth.
- (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
- (d) Forecourt must be enclosed on at least three sides by buildings.
- (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



vii. Terrace

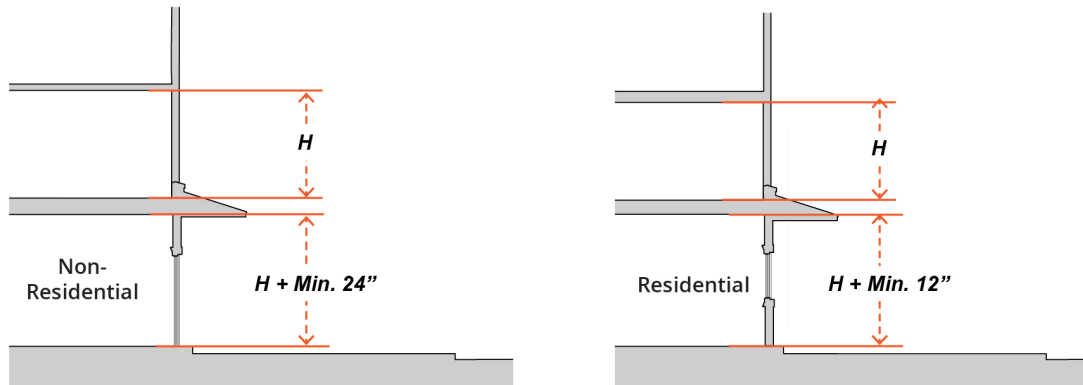
- b. *Primary Entrance Location(s)*. Locate primary entrance on the front right-of-way and/or in the interior courtyard.
- c. *Individual Entries*. Ground floor residential units facing a street must provide individual entries along the street frontage.
- d. *Corner Entrances*. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.

- e. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants
- f. *Entry Protection.* Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than 8 feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- g. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.

4. **Ground Floor Floor-to-Ceiling Height.**
 - a. Minimum 24 inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
 - b. Minimum 12 inches taller than typical upper floor floor-to-ceiling height where ground floor is residential.



5. **Interior Courtyard.** Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
 - b. Enclosed on at least two sides by buildings
 - c. Open to the sky (arbors and trellises are allowed)
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.
6. **Paseos.** Paseos must be:
 - a. A minimum width of 10 feet for through-block paseos.
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.

C. Window Design.

1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
2. Vinyl windows are prohibited on facades visible from a right-of-way.

D. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:

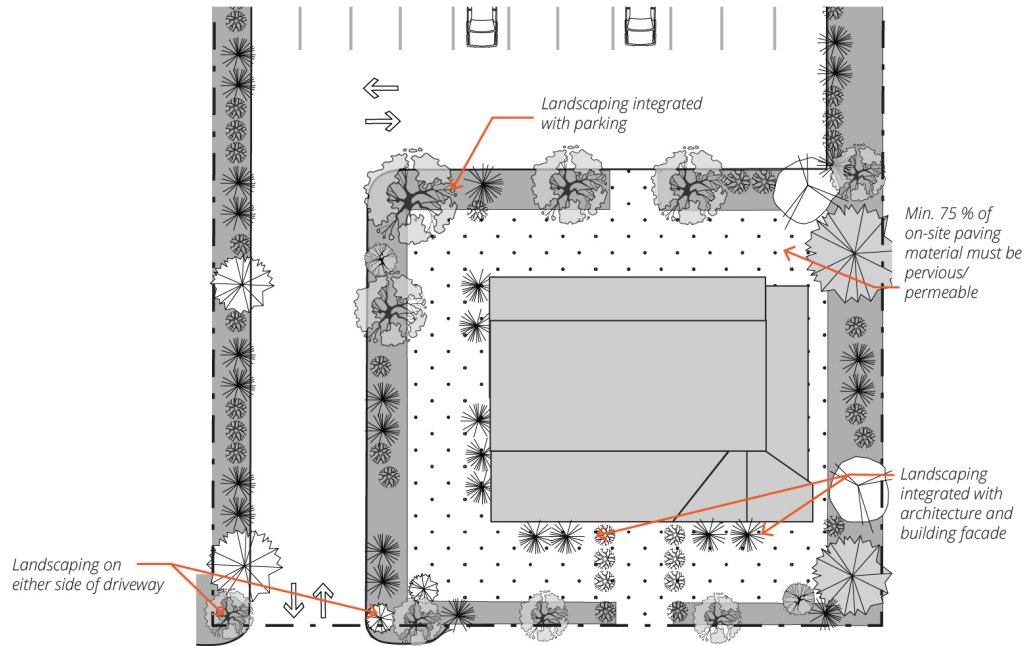
Revised 14.44.130 Design Control (CD)

- a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not allowed.
 - c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
- a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only)
 - d. Brick (building base only)
 - e. Tile
 - f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
 - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
 - h. Concrete (building base only, board-form only, cast concrete not permitted).

E. Landscaping, Paving, and Pedestrian Amenities.

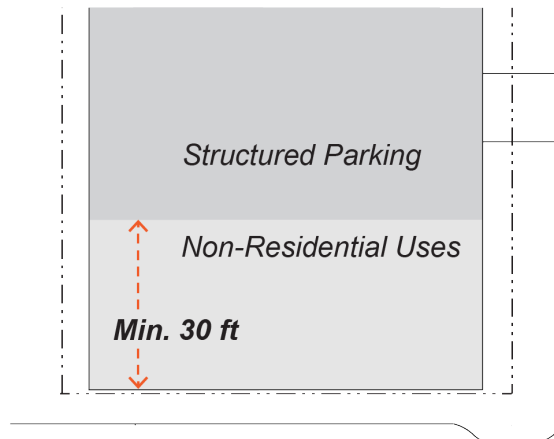
1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. All paving located adjacent to a sidewalk must be textured (decorative or permeable).
3. A minimum 75 percent of on-site paving material must be pervious/permeable.
4. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks. A publicly visible and accessible pedestrian amenity such as benches, a fountain, a rain garden, decorative paving, and/or public art.

5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

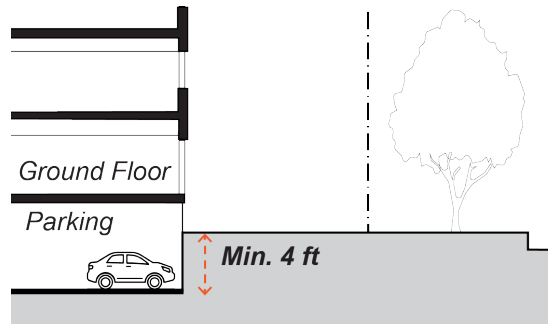


F. Parking Design and Access.

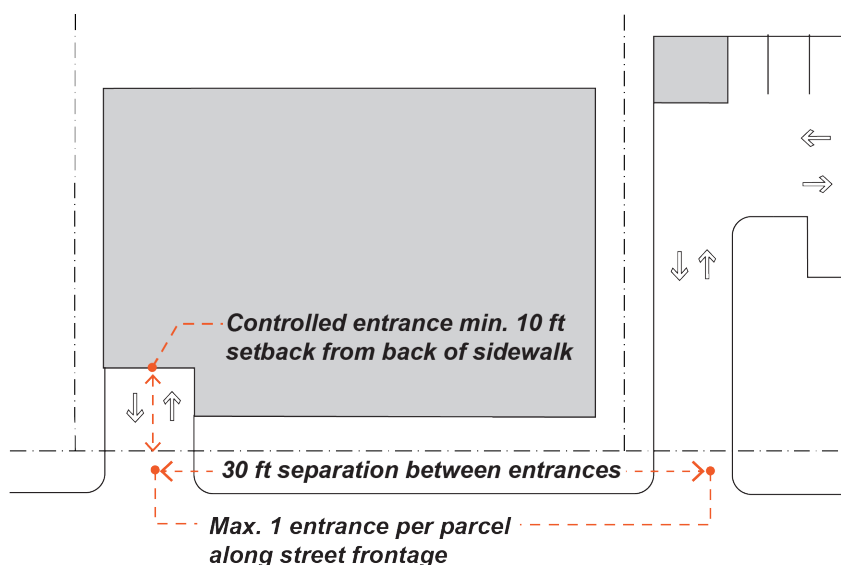
1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground-floor non-residential uses at least 30 feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum 4 vertical feet below the elevation of the adjacent sidewalk.



- 2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces
 - b. Trellis/living wall
 - c. Custom textured or decorative screening
- 3. **Entrances to Parking Facilities.**
 - a. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
 - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum 10 feet from the back of sidewalk.
 - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of 40 feet, excluding access to parking plazas.
 - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.



G. Site Circulation and Access.

1. A clearly defined, lighted and landscaped pedestrian route shall be provided between all parking areas and primary pedestrian entrance.
2. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
3. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.

H. Service Areas and Screening.

1. Service areas must be located at the rear of lot or along a parking plaza.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

I. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CD District.

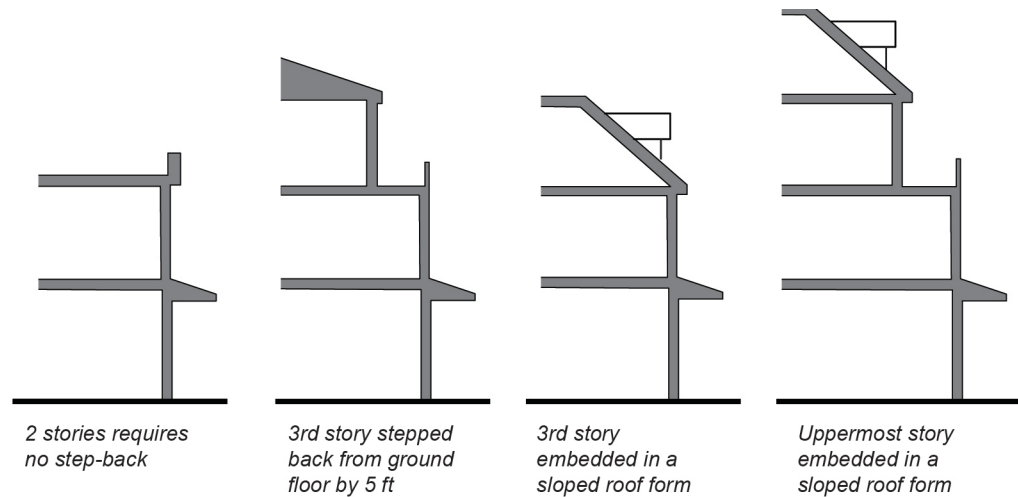
Revised 14.48.130 Design Control (CRS)

A. Building Massing and Articulation.

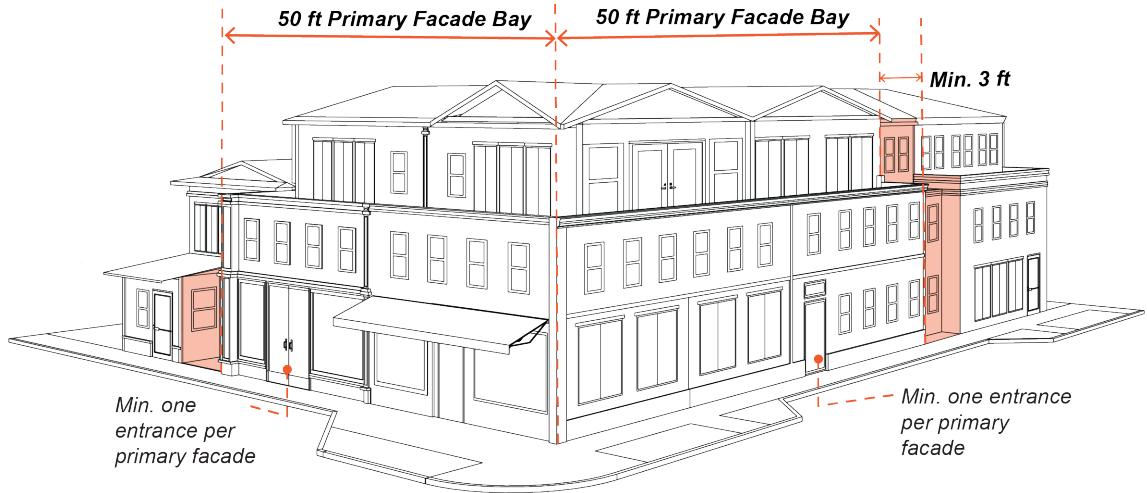
1. *Upper-story Step-backs, Front and Street Side.*

- a. The third story must be either stepped back a minimum 5 feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.48.130.A.6.
- b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.48.130.A.6.

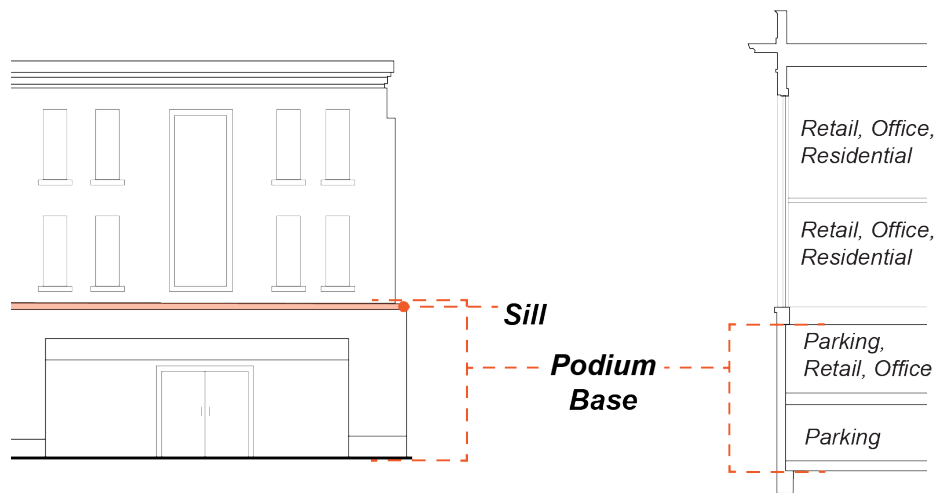
2. *Vertical Articulation.*

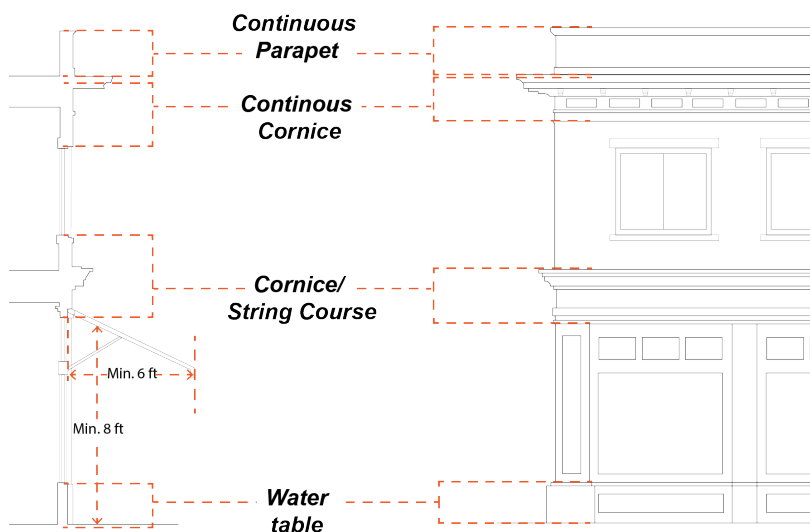


- a. When a building façade exceeds 50 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. The building shall include at least one ground-floor entrance every 25 feet.



3. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
 - a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between 8 and 54 inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).

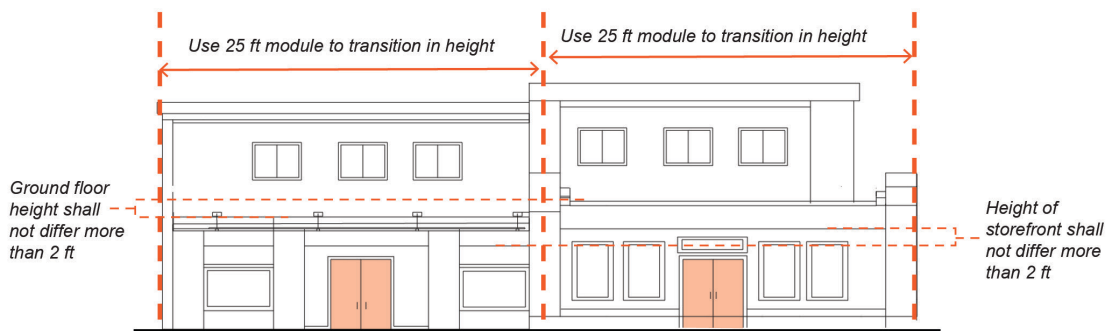




- b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.48.130.B.7. These elements shall be consistent with the overall architectural style of the building mass/bay.

4. **Adjacencies.**

- a. *Storefront Facades Adjacent to Storefront Facades.*
 - i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
 - ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
 - iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.



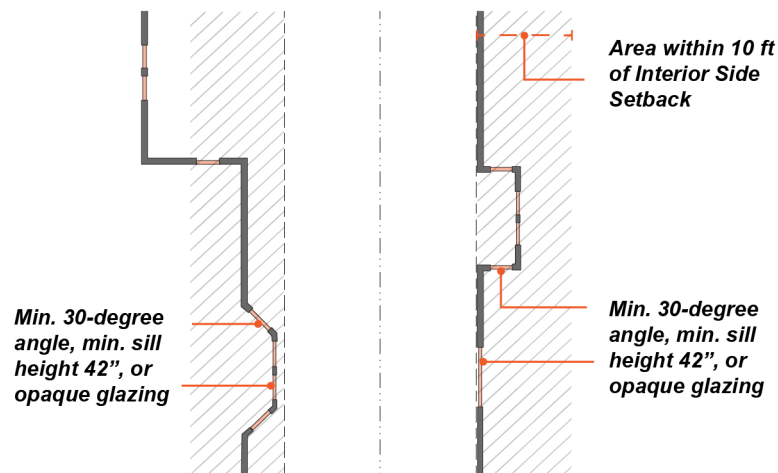
- b. *Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.* When adjacent to an existing shorter building with a height difference

of one story or more, a proposed building must utilize two or more of the following strategies:

- i. Incorporate the uppermost floor into the roof form
- ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
- iii. Match window heights and/or proportions
- iv. Relate roof cornices and moldings at floor lines

5. **Privacy and Line of Sight.**

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.



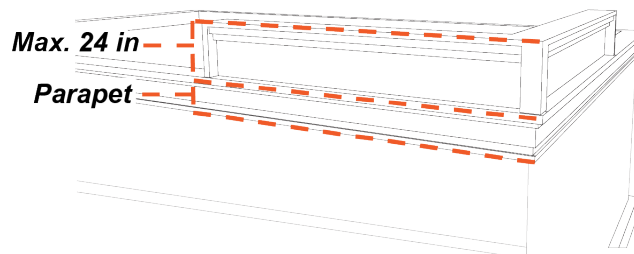
6. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
 - i. Hipped
 - ii. Gable
 - iii. Dormer
 - iv. Parapet.
 - (a) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than

two of the following design elements to break up the length of the parapet:

- (1) Steps
- (2) Curves
- (3) Angled surfaces

- (b) The length of a parapet segment on the third floor and above may not exceed 25 feet.
- b. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- c. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.

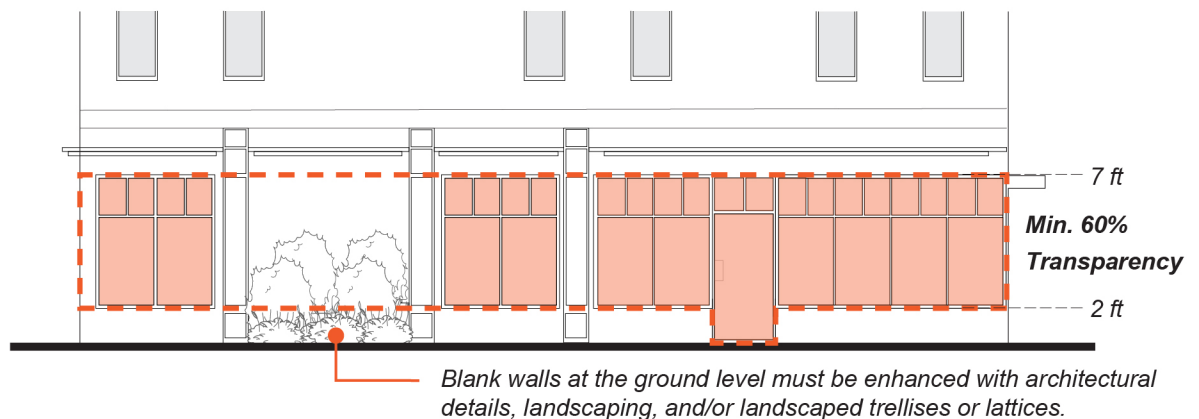


B. Building Design.

1. Façade Design.

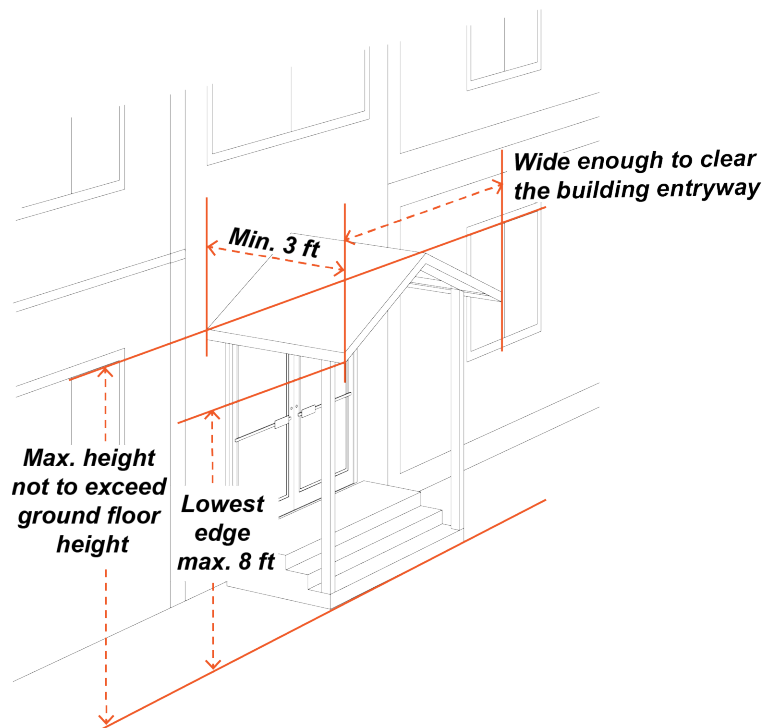
- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 25-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
 - iv. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- b. At least two of the following strategies must be used in a manner that reinforces the maximum 25-foot module:
 - i. Change in roof parapet height or shape

- ii. Change in roof style
 - iii. Change in materials palette
 - iv. Change in building height, minimum 8-foot difference
 - v. Change in frontage type or change in details of Shopfront frontage type if used
 - vi. Use of upper floor projections such as bay windows or balconies.
2. **Ground Level Transparency.** A minimum 60 percent of commercial ground floor street-facing facades between 2 and 7 feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.



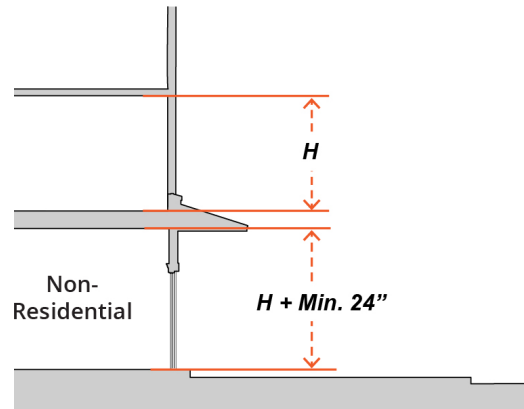
3. **Pedestrian-Scaled Entrances.**
- a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop
 - ii. Shopfront
 - (a) The maximum width of single shopfront shall be 25 feet.
 - iii. Gallery
 - iv. Arcade with Shopfront frontage.
 - b. *Primary Entrance Location(s).* Locate primary entrance on the front right-of-way.
 - c. *Corner Entrances.* Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
 - d. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element

- ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants
- e. *Entry Protection.* Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
- i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than 8 feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are exempted.

4. **Ground Floor Floor-to-Ceiling Height.** Minimum 24 inches taller than typical upper floor floor-to-ceiling height.



5. **Interior Courtyard.** Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
 - b. Enclosed on at least two sides by buildings.
 - c. Open to the sky (arbors and trellises are allowed)
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.
6. **Paseos.** Paseos must be:
 - a. A minimum width of 10 feet for through-block paseos.
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.

C. Window Design.

1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
2. Vinyl windows are prohibited on facades visible from a right-of-way.
3. Tinted glass is not allowed.

D. Building Materials.

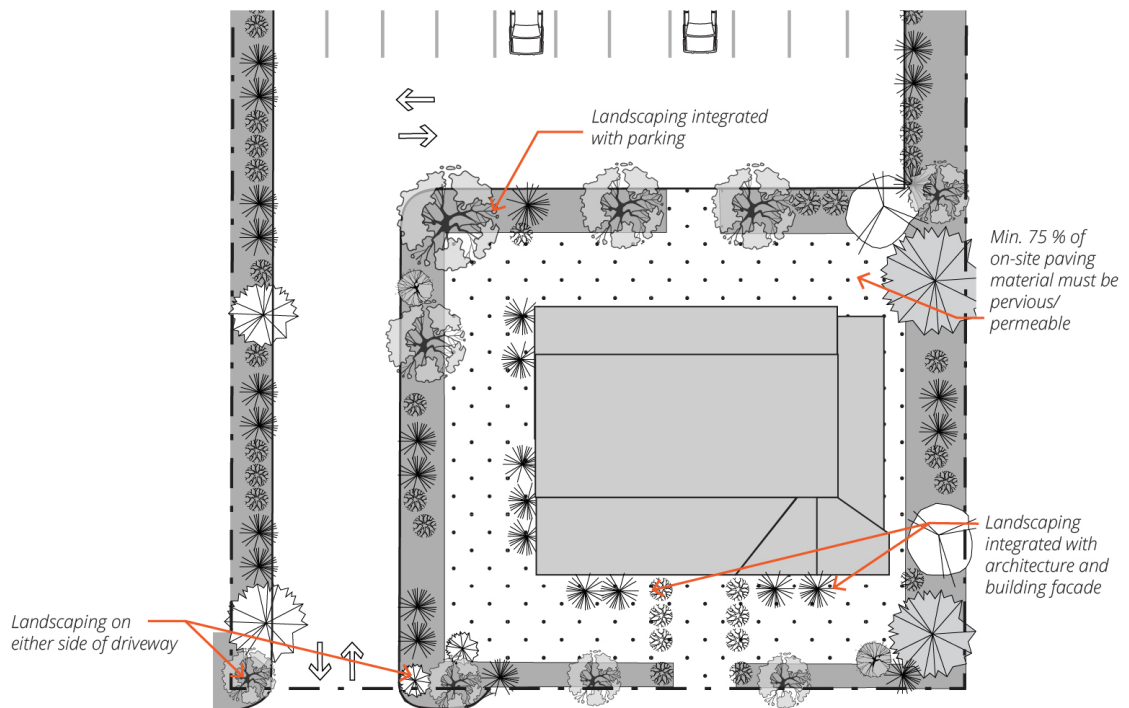
1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)

Revised 14.48.130 Design Control (CRS)

- i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
 - 2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only)
 - d. Brick (building base only)
 - e. Tile (for bulkheads below display windows and decorative accents only)
 - f. Metal (Matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
 - g. Concrete Masonry Units (building base only, and not allowed on any façade facing a right-of-way or a single-family zone)
 - h. Concrete (watertable and building base only, board-form only, cast concrete not permitted).
- E. Downtown Gateways.** A downtown gateway is located at the intersection of Foothill Expressway at Main Street.
- 1. Building design at gateway intersection shall include:
 - a. Façade lighting; and
 - b. Overhangs or sloped roof forms.
 - 2. Ground-floor design at gateway intersections must address both street frontages through:
 - a. Entrances that are visible and directly accessible from both streets;
 - b. Building transparency beyond the required minimum for the first 15 feet of building frontage from the corner;
 - c. Landscaped area with a minimum dimension of six feet; and
 - d. A usable public space with pedestrian-scaled features.

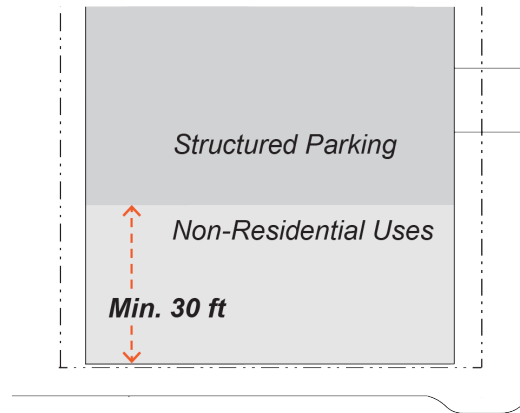
F. Landscaping and Paving, and Pedestrian Amenities.

1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. All paving located adjacent to a sidewalk must be textured (decorative or permeable).
3. A minimum 75 percent of on-site paving material must be pervious/permeable.
4. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
 - d. A publicly visible and accessible pedestrian amenity such as benches, a fountain, a rain garden, decorative paving, and/or public art.
5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

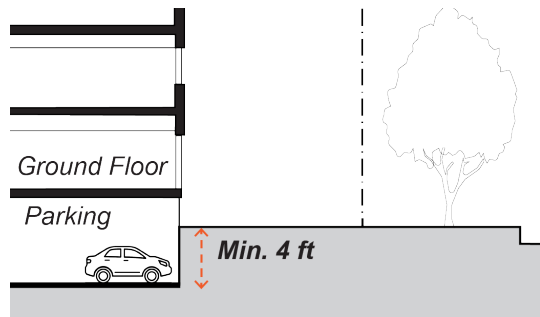


G. Parking Design and Access.

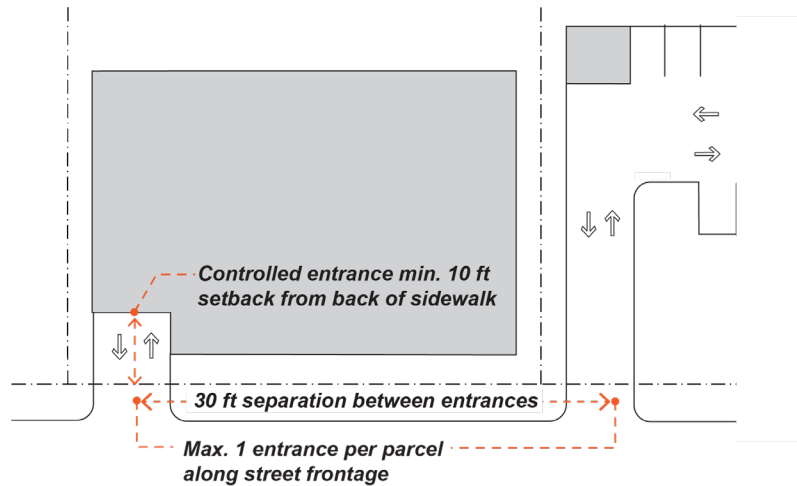
1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground-floor non-residential uses at least 30 feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum 4 vertical feet below the elevation of the adjacent sidewalk.



- 2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces
 - b. Trellis/living wall
 - c. Custom textured or decorative screening
- 3. **Entrances to Parking Facilities.**
 - a. Curb cuts are not permitted along State Street and Main Street, except those providing direct access to parking plazas. On all other street frontages, a maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
 - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum 10 feet from the back of sidewalk.
 - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of 40 feet, excluding access to parking plazas.
 - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.



H. Site Circulation and Access

1. A clearly defined, lighted and landscaped pedestrian route shall be provided between all parking areas and primary pedestrian entrance.
2. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
3. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.

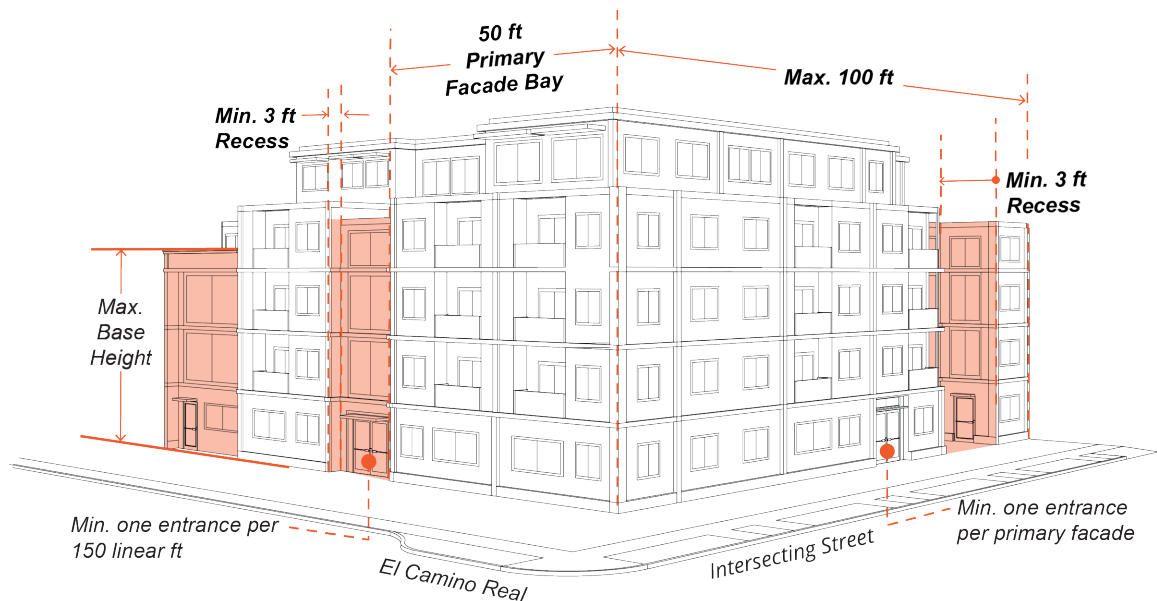
I. Service Areas and Screening.

1. Service areas must be located at the rear of lot or along a parking plaza.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

J. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CRS District.

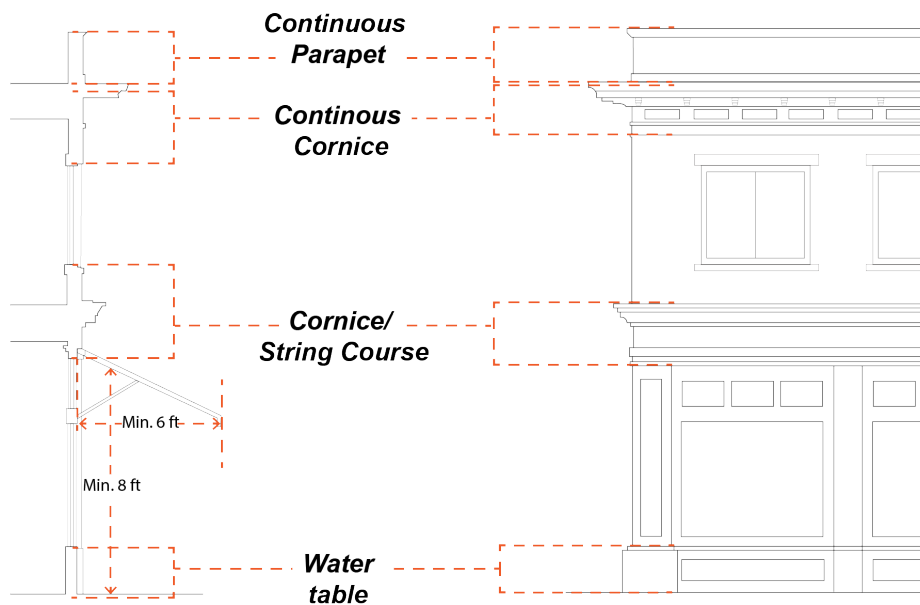
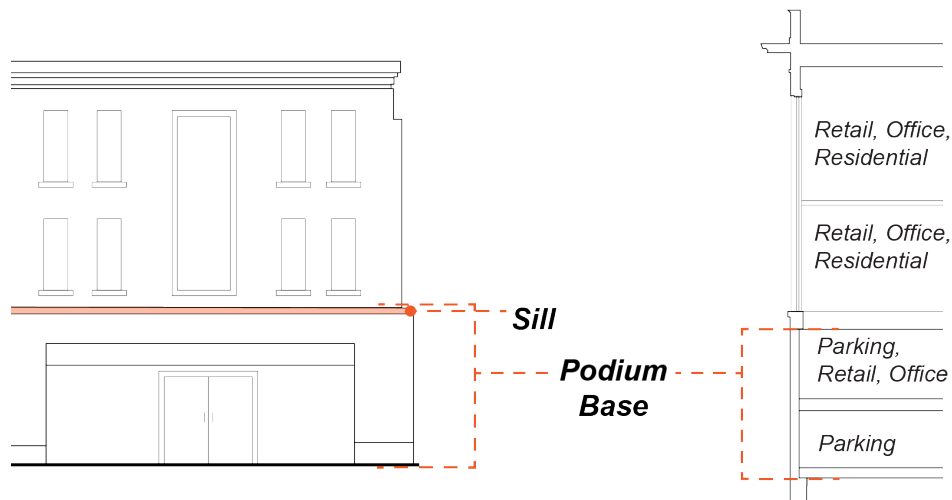
Revised 14.50.170 Design Control (CT)

- A. Building Placement.** A minimum 75 percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.**
1. **Upper-story Step-backs.**
 - a. *Front:* Minimum 10 feet from ground floor façade above 45 feet in height.
 - b. *Street Side:* Minimum 10 feet from ground floor façade above 45 feet in height.
 2. **Vertical Articulation.**
 - a. When a building façade exceeds 100 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
 - b. A minimum one entrance shall be provided per 150 linear feet along El Camino Real and per primary façade bay along all other rights-of-way.
 - c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



3. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
 - a. One or more of the following patterns shall be used to define the base:
 - i. **Watertable:** Base material extends from grade to between 8 and 54 inches above grade.

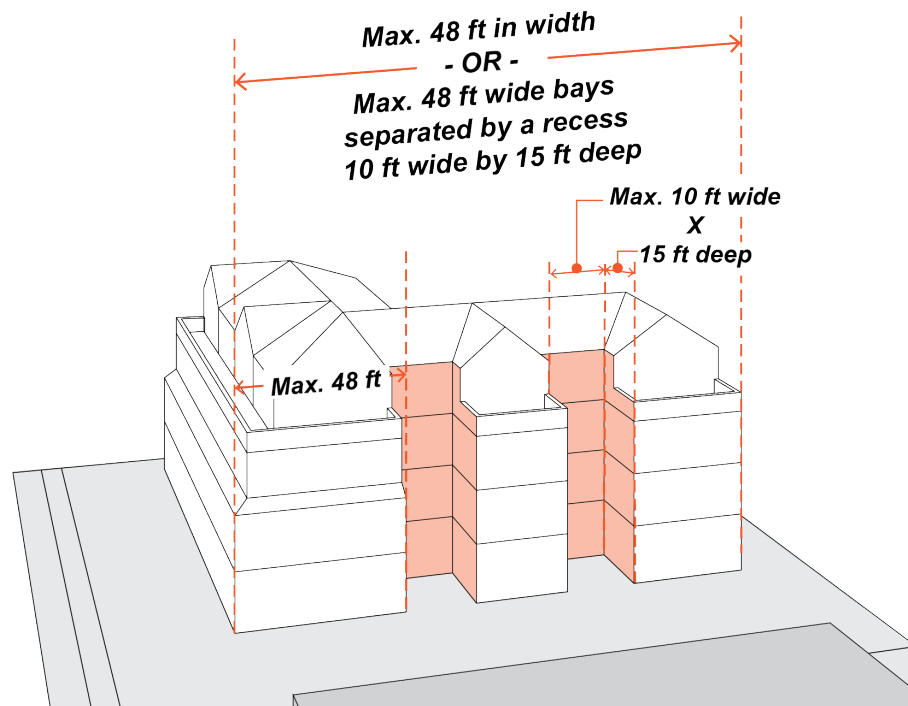
- ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
- b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.50.170.B.6. These elements shall be consistent with the overall architectural style of the building mass/bay.



4. **Adjacencies.**

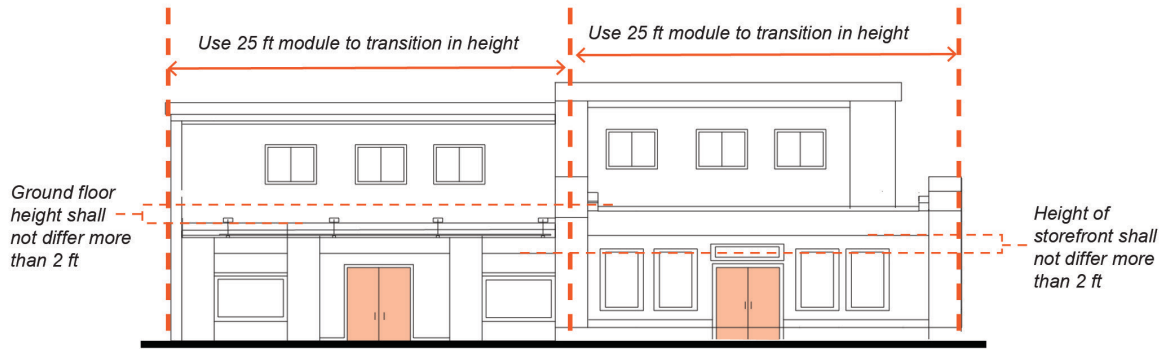
a. *Facades Adjacent to an R-1 District.*

- i. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
- ii. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 10 feet wide and 15 feet deep.
- iii. Balconies, roof decks and other habitable outdoor space are not allowed on upper-story facades abutting R-1 zones.
- iv. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.



b. *Storefront Facades Adjacent to Storefront Facades.*

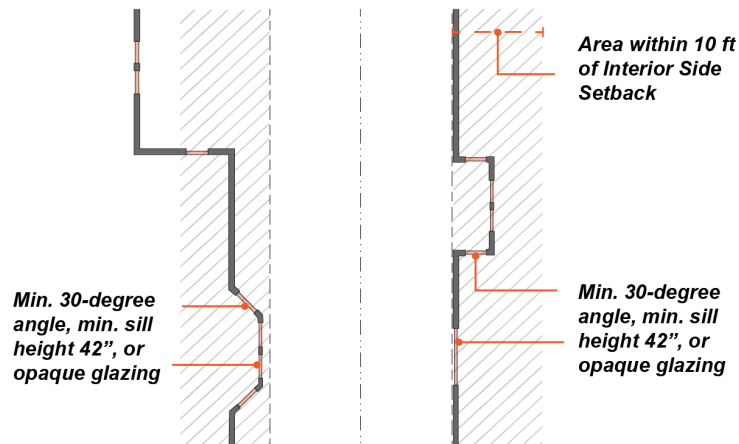
- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
- iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.



- c. **Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.** When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:
 - i. Incorporate the uppermost floor into the roof form
 - ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
 - iii. Match window heights and/or proportions
 - iv. Relate roof cornices and moldings at floor lines

5. **Privacy and Line of Sight.**

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.



6. **Roofline and Roof Design.**

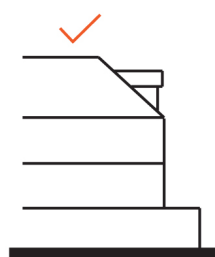
a. Roof designs shall be limited to:

- i. Hipped
- ii. Gable
- iii. Shed
- iv. Dormer
- v. Parapet.

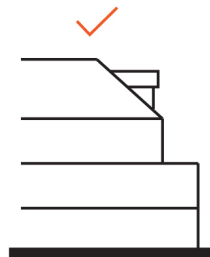
(a) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:

- (1) Steps
- (2) Curves
- (3) Angled surfaces

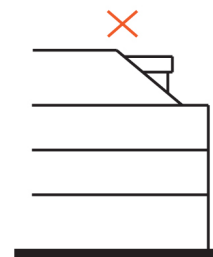
(b) The length of a parapet segment on the third floor and above may not exceed 25 feet.



Acceptable:
Multiple stories below the story embedded in a sloped roof are also stepped-back.

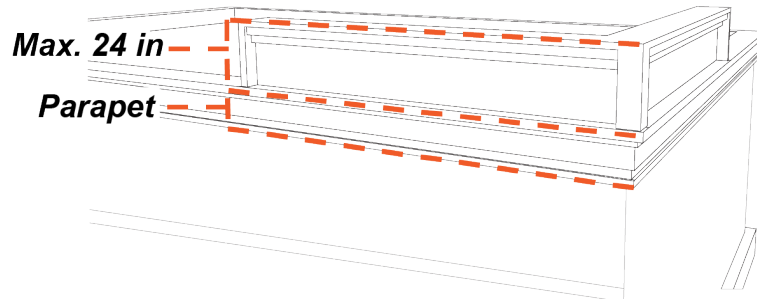


Acceptable:
One story below the story embedded in a sloped roof is also stepped-back.



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- b. When the top story is stepped back and embedded in a sloped roof form, the floor below must (and other floors may) be stepped back to meet the slope of the top story.
- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.

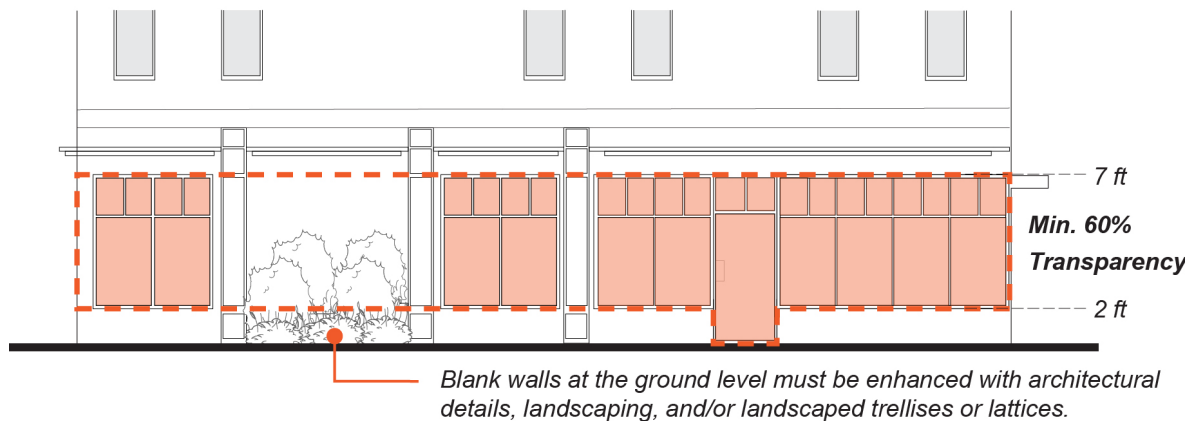


C. Building Design.

1. Façade Design.

- a. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
- c. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
- d. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

- 2. Ground Level Transparency.** A minimum 60 percent of commercial ground floor street-facing facades between 2 and 7 feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.

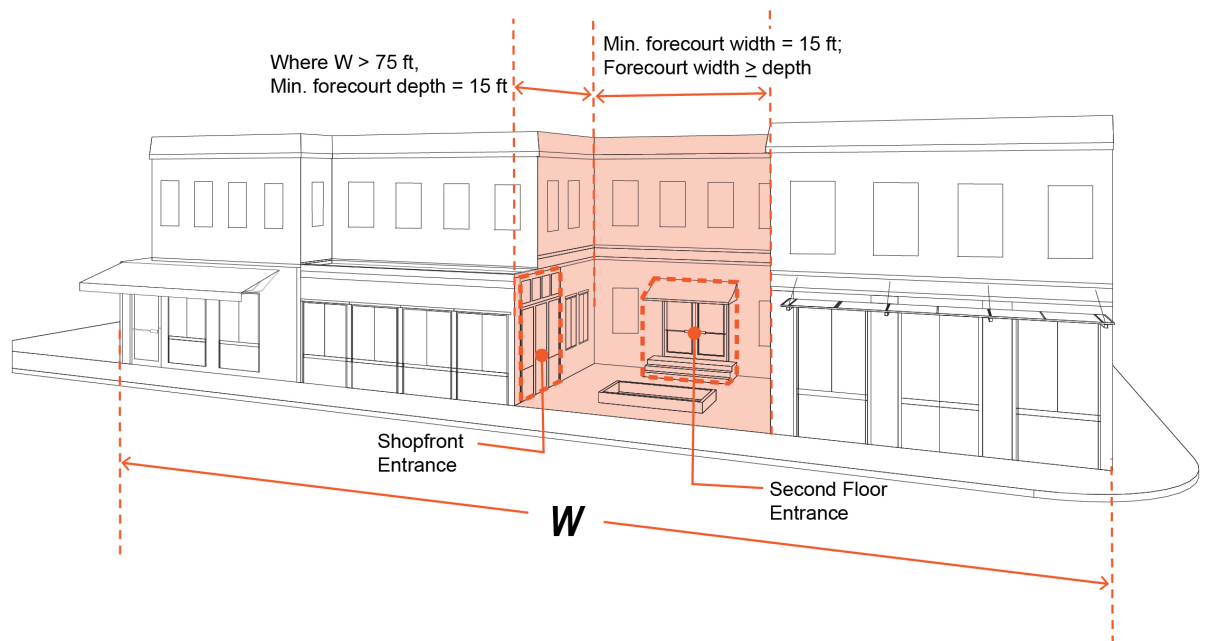


3. Pedestrian-Scaled Entrances.

- a. Buildings more than 70 feet in length along a right-of-way must incorporate at least one forecourt frontage on the right-of-way-facing façade. Required forecourts must also comply with the standards of Section 14.50.170.C.3.b.v. below.

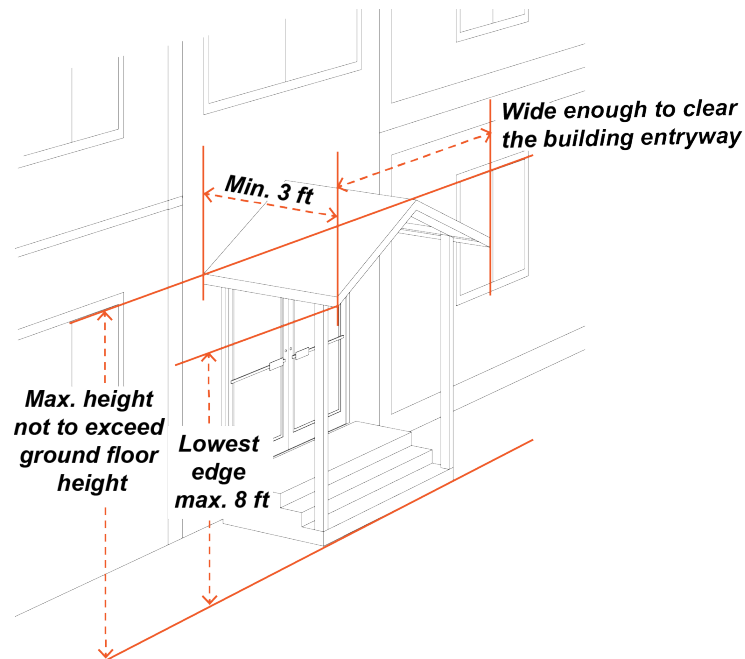
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- b. Each street-facing building façade must incorporate at one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop
 - ii. Shopfront
 - (a) Shopfronts more than 25 feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed 25 continuous feet.
 - iii. Gallery
 - iv. Arcade
 - v. Forecourt
 - (a) Forecourts must feature at least one entry to a shop and/or second floor use.
 - (b) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
 - (c) Forecourt must be minimum 15 feet in width.
 - (d) Forecourt must be enclosed on at least three sides by buildings.
 - (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



- vi. Terrace
- c. *Primary Entrance Location(s)*. Locate primary entrance on the front right-of-way.

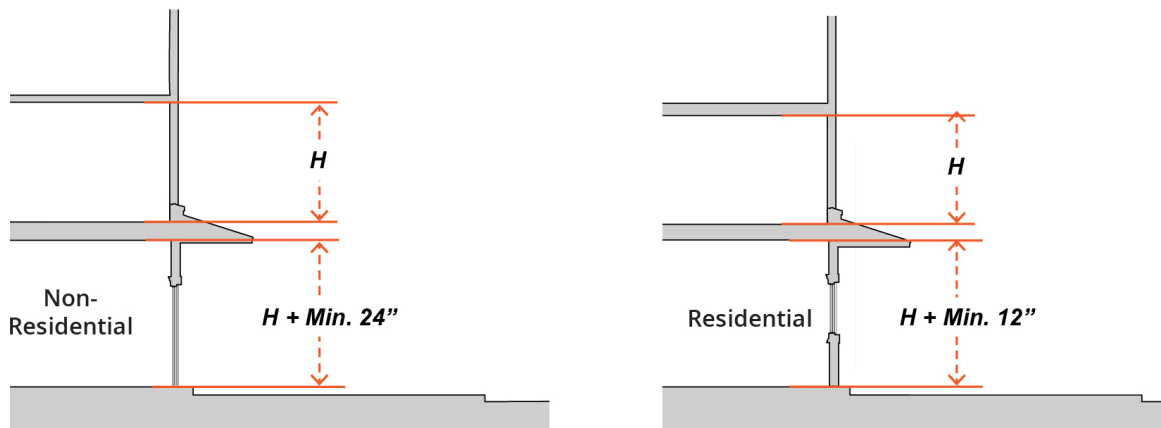
- d. *Individual Entries.* Ground floor residential units facing a street must provide individual entries along the street frontage.
- e. *Corner Entrances.* Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- f. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants
- g. *Entry Protection.* Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than 8 feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- h. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are exempted.

4. **Ground Floor Floor-to-Ceiling Height.**

- a. Minimum 24 inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
- b. Minimum 12 inches taller than typical upper floor floor-to-ceiling where ground floor is residential.



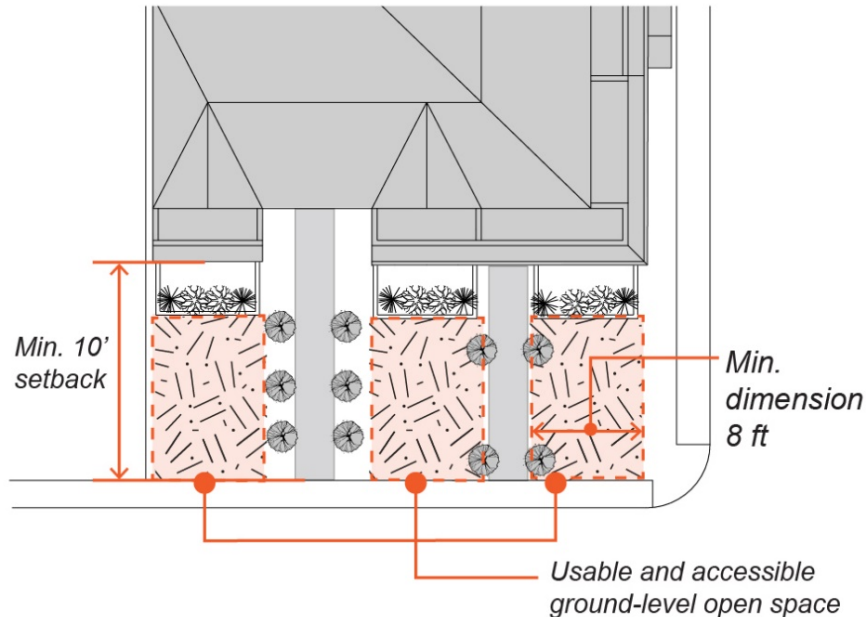
5. **Interior Courtyard.** Interior courtyards must be:

- a. Partially visible from the street and linked to the street by a clear accessible path of travel.
- b. Enclosed on at least two sides by buildings
- c. Open to the sky (arbors and trellises are allowed)

- d. A minimum width of 20 feet and a minimum area of 400 square feet.
6. **Paseos.** Paseos must be:
- a. A minimum width of 10 feet for through-block paseos.
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.
- D. Window Design.** Vinyl windows are prohibited on facades visible from a right-of-way.
- E. Building Materials.**
1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
 - e. Concrete (board-form only).
 2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only)
 - d. Brick (building base only)
 - e. Tile
 - f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
 - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
 - h. Concrete (building base only, board-form only, cast concrete not permitted).
 3. On attached elements, such as bay windows, orioles, and balconies.

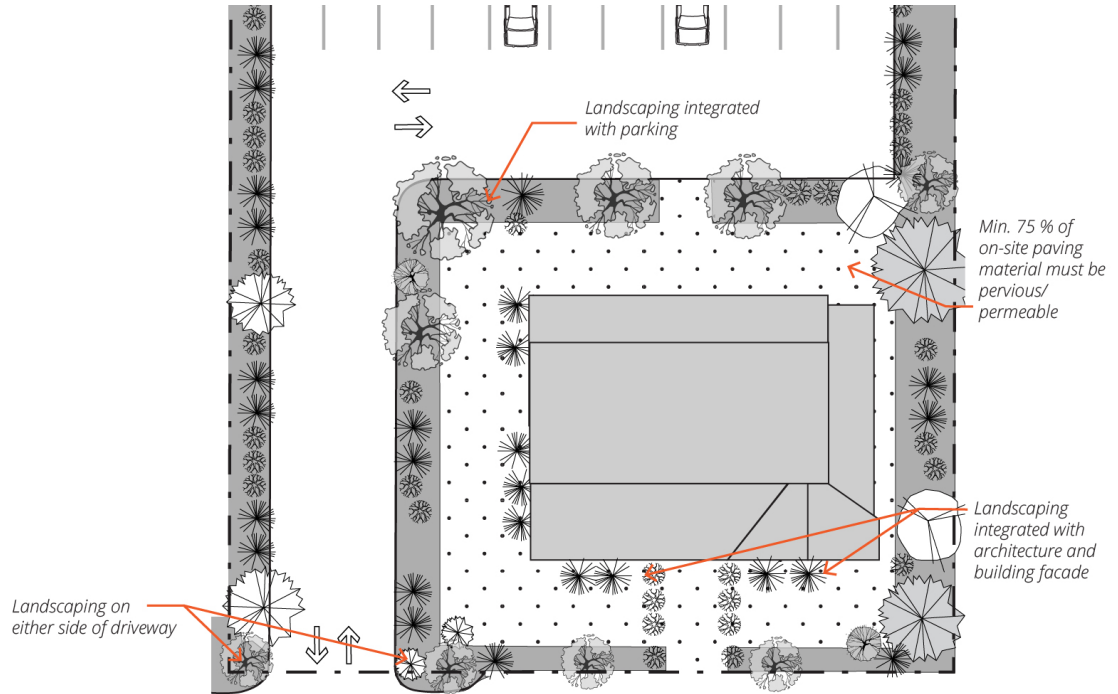
F. Ground Level Open Space. Where any required front, rear, or side yard setback is 10 feet or greater, on-site ground-level open space shall be provided within the setback.

1. The ground level open space shall be usable and accessible.
2. The minimum dimension for ground level open space shall be 8 feet.



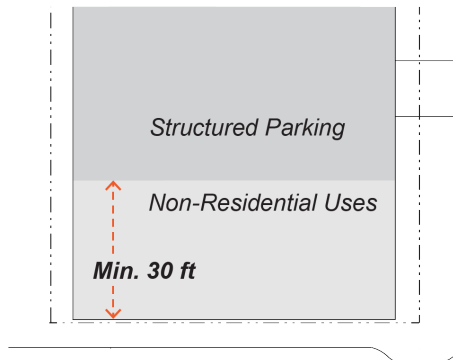
G. Landscaping and Paving.

1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
3. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

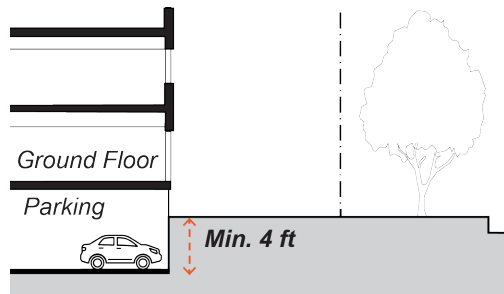


H. Parking Design and Access.

1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground-floor non-residential uses at least 30 feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum 4 vertical feet below the elevation of the adjacent sidewalk.



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2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces
 - b. Trellis/living wall
 - c. Custom textured or decorative screening
3. ***Entrances to Parking Facilities.***
 - a. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
 - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum 10 feet from the back of sidewalk.
 - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of 60 feet.
 - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.

I. Site Circulation and Access

1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
2. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.
3. Rear pedestrian/bicycle access shall be provided from any abutting right-of-way or alley for projects on:
 - a. Lots with a depth of 250 feet or greater; and
 - b. Lots where development abuts an R-1 district to the rear.

J. Service Areas and Screening.

1. Service areas must be located at the rear of lot.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

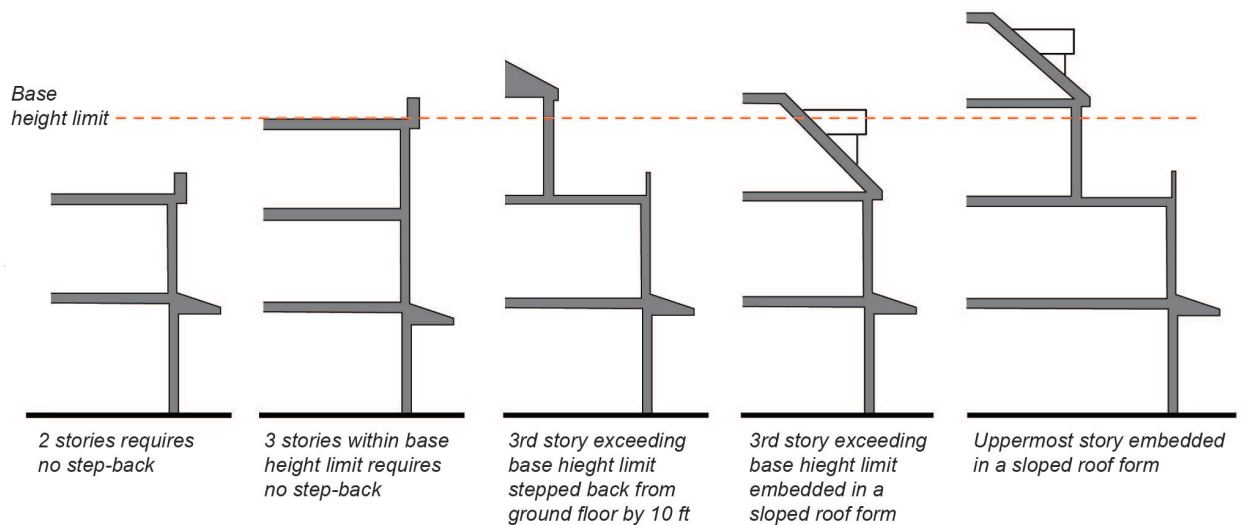
K. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CT District.

Revised 14.52.110 Design Control (CD/R3)

A. Building Massing and Articulation.

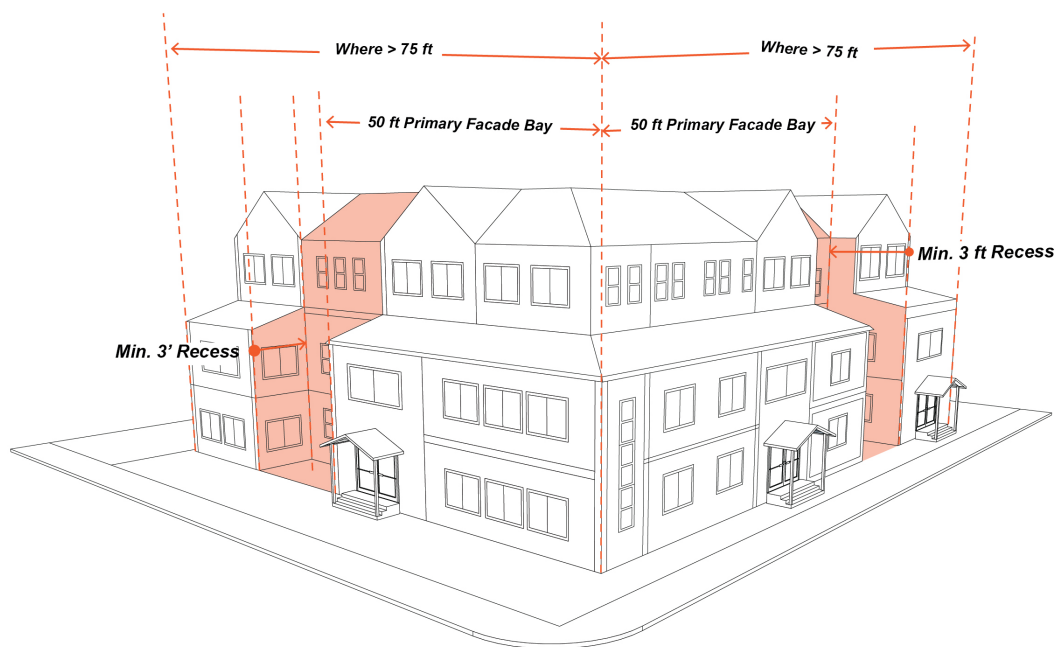
1. Upper-story Step-backs

- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- c. For buildings over three stories, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.52.110.A.6.

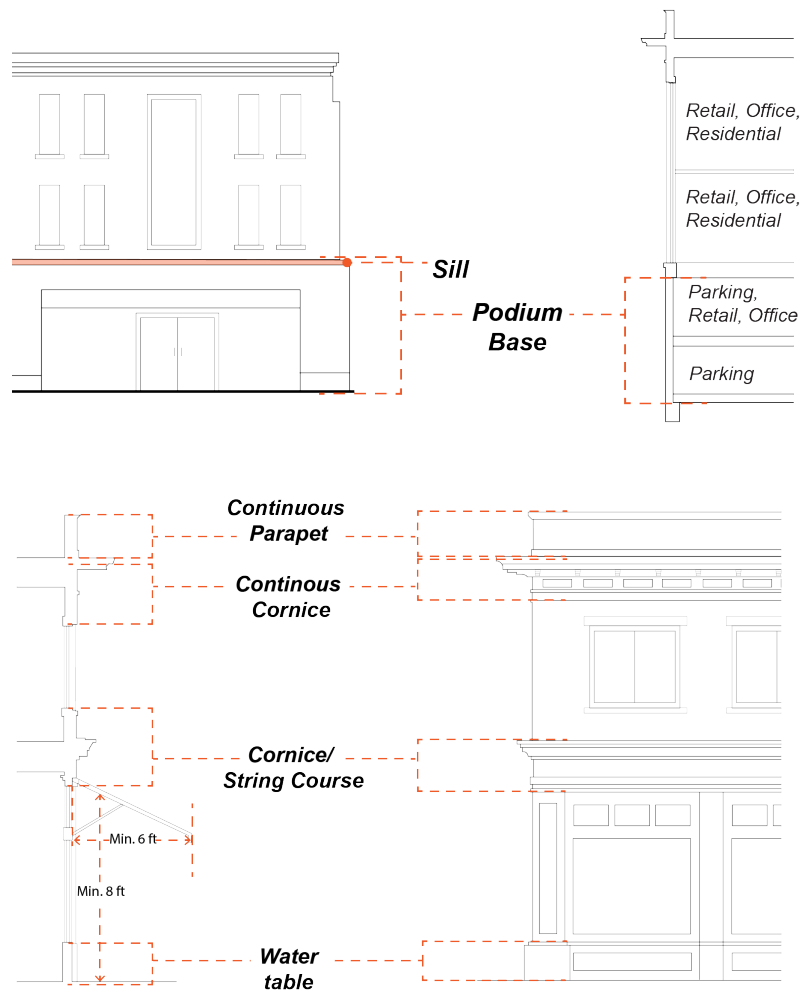


2. Vertical Articulation.

- a. When a building façade exceeds 75 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. The building shall include at least one ground-floor entrance every 25 feet.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



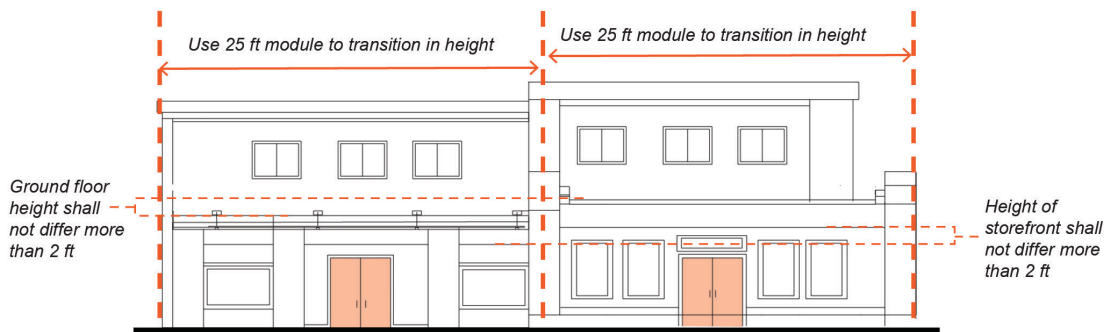
3. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
- a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between 8 and 54 inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
 - b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.52.110.A.6. These elements shall be consistent with the overall architectural style of the building mass/bay.



4. **Adjacencies.**

a. *Storefront Facades Adjacent to Storefront Facades.*

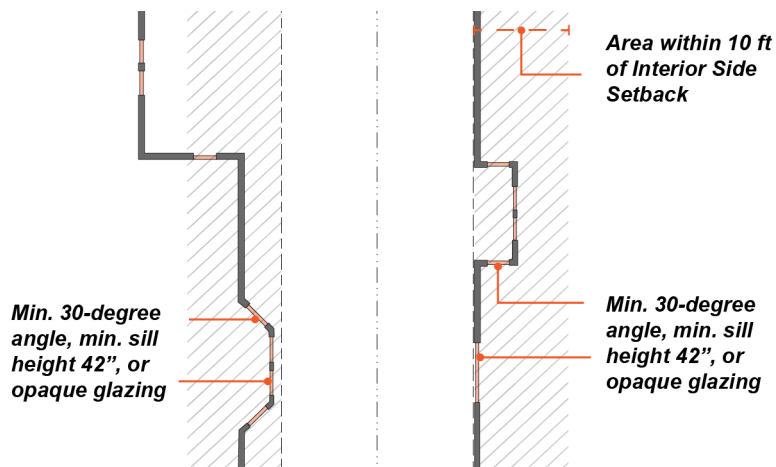
- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
- iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.



- b. **Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.** When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:
 - i. Incorporate the uppermost floor into the roof form
 - ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
 - iii. Match window heights and/or proportions
 - iv. Relate roof cornices and moldings at floor lines

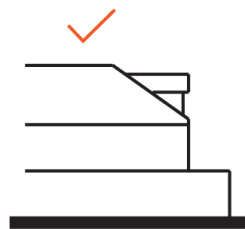
5. **Privacy and Line of Sight.**

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.

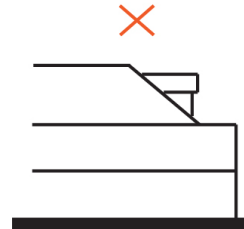


6. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
 - i. Hipped
 - ii. Gable
 - iii. Mansard
 - (a) Applicable for buildings 3 or more stories.
 - iv. Dormer
 - v. Parapet.
 - (a) Allowed only along First Street frontages.
 - (b) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps
 - (2) Curves
 - (3) Angled surfaces
 - (c) The length of a parapet segment on the third floor and above may not exceed 25 feet.
- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.

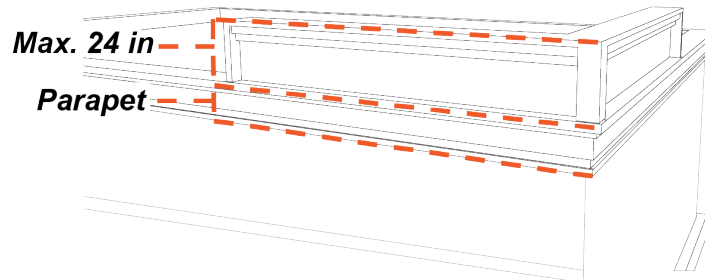


Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.



B. Building Design.

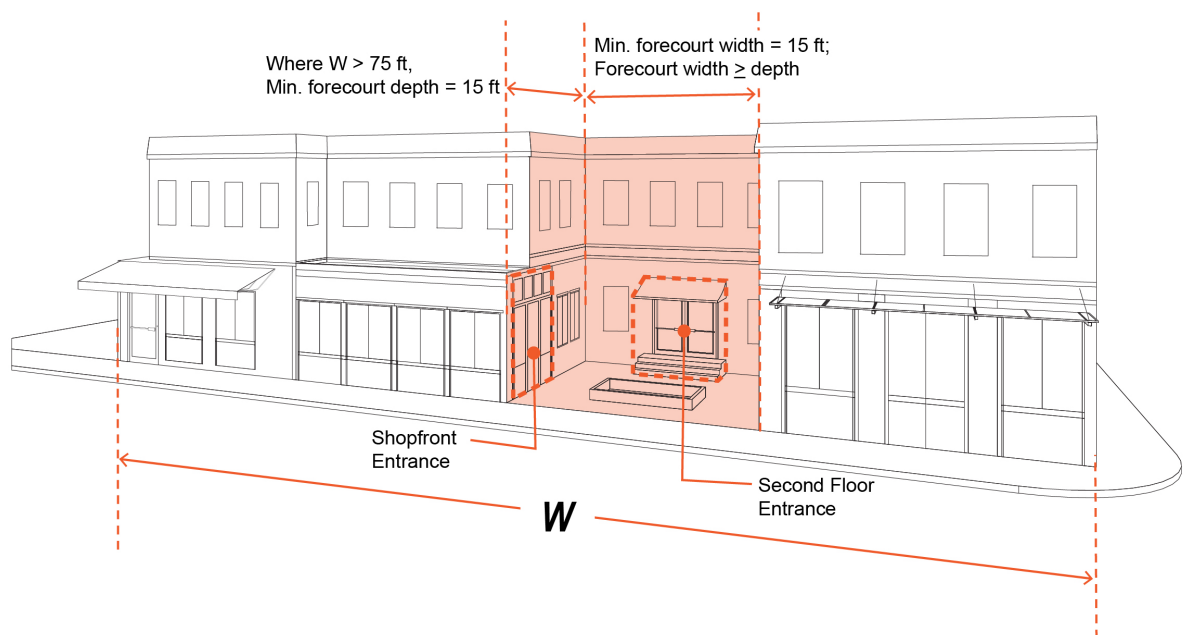
1. Façade Design.

- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 50-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
 - iv. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- b. At least two of the following strategies must be used in a manner that reinforces the maximum 50-foot module:
 - i. Change in roof parapet height or shape.
 - ii. Change in roof style
 - iii. Change in materials palette
 - iv. Change in building height, minimum 8-foot difference.
 - v. Change in frontage type or change in details of Shopfront frontage type if used.
 - vi. Use of upper floor projections such as bay windows or balconies.

2. Pedestrian-Scaled Entrances.

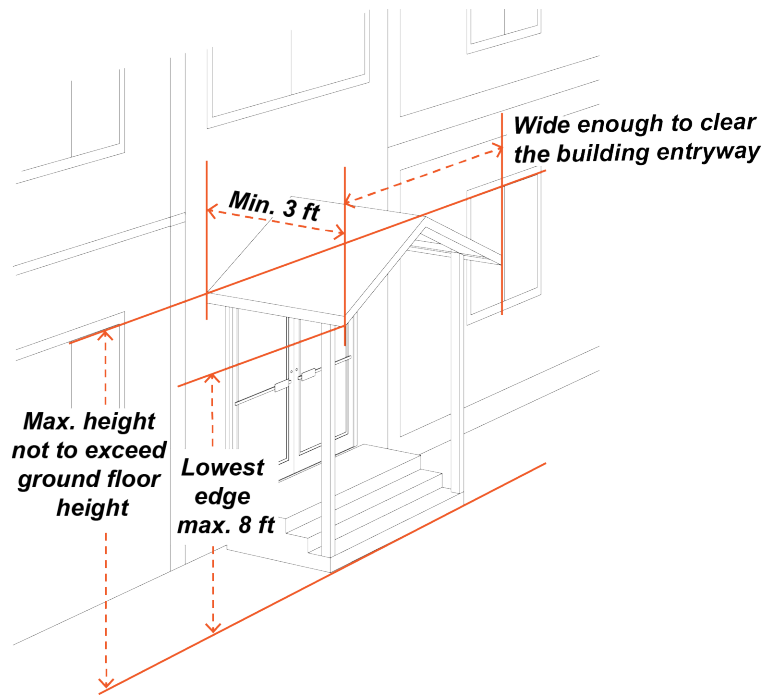
- a. Buildings more than 75 feet in frontage length along a right-of-way and First Street must incorporate at least one forecourt with a minimum depth of 20 feet from front façade. Required forecourts must also comply with the standards of Section 14.52.110.B.2.b.vi. below.

- b. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop
 - ii. Dooryard
 - iii. Shopfront
 - (a) The maximum width of single shopfront shall be 25 feet.
 - iv. Gallery
 - v. Arcade
 - vi. Forecourt
 - (a) Forecourts must feature at least one entry to a shop and/or second floor use.
 - (b) Forecourts for buildings more than 70 feet in length along a right-of-way must have a minimum width and depth of 15 feet from front façade. Width of forecourt shall be equal to or greater than depth.
 - (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
 - (d) Forecourt must be enclosed on at least three sides by buildings.
 - (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



- vii. Terrace

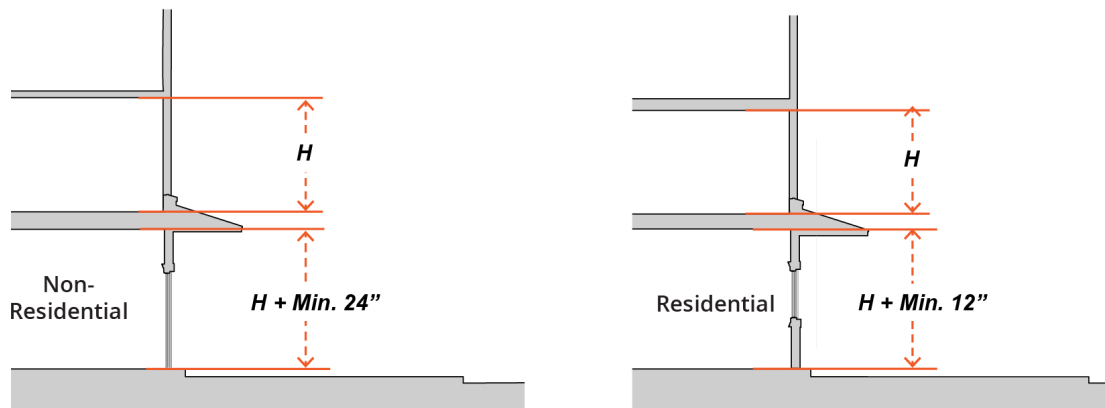
- c. *Primary Entrance Location(s)*. Locate primary entrance on the front right-of-way and/or in the interior courtyard.
- d. *Individual Entries*. Ground floor residential units facing a street must provide individual entries along the street frontage.
- e. *Corner Entrances*. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- f. *Street-facing Entries to Upper Floors*. Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants
- g. *Entry Protection*. Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than 8 feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- h. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.

3. **Ground Floor Floor-to-Ceiling Height.**

- a. Minimum 24 inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
- b. Minimum 12 inches taller than typical upper floor floor-to-ceiling where ground floor is residential.



4. **Interior Courtyard.** Interior courtyards must be:

- a. Partially visible from the street and linked to the street by a clear accessible path of travel.
- b. Enclosed on at least two sides by buildings.

- c. Open to the sky (arbors and trellises are allowed).
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.
5. **Paseos.** Paseos must be:
- a. A minimum width of 10 feet for through-block paseos.
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.

C. Window Design.

- 1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
- 2. Vinyl windows are prohibited on facades visible from a right-of-way.

D. Building Materials.

- 1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
- 2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only)
 - d. Brick (building base only)

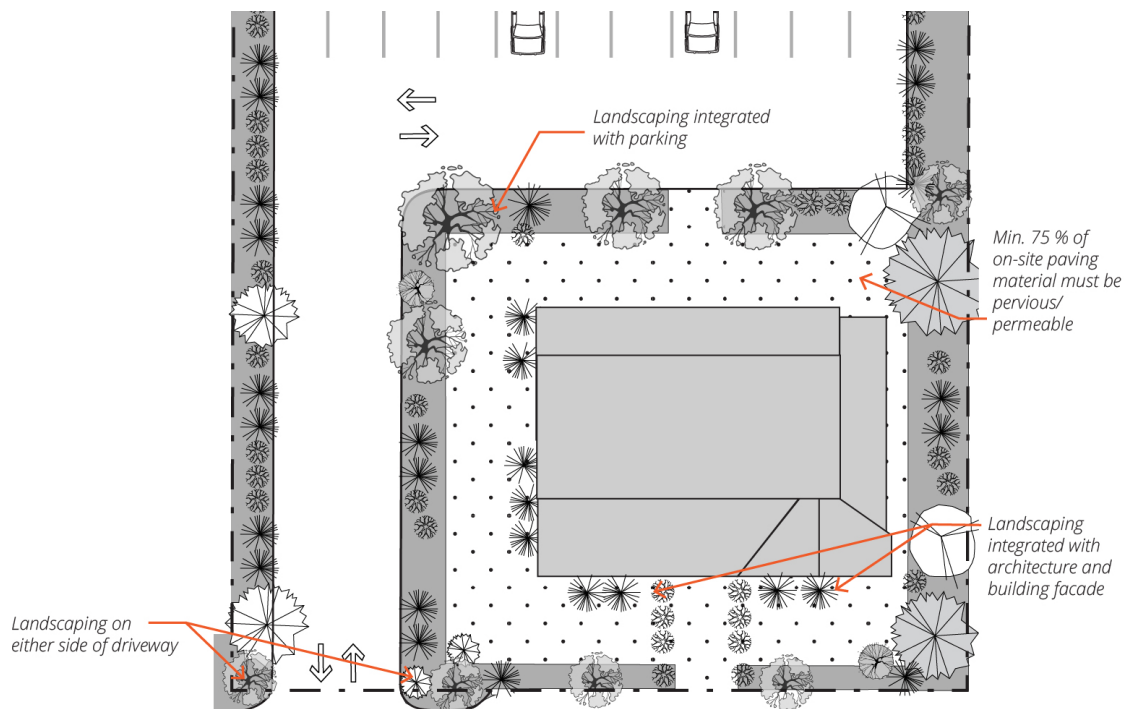
- e. Tile
- f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
- g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
- h. Concrete (building base only, board-form only, cast concrete not permitted).

E. Downtown Gateways. Downtown gateways are located at the intersection of Foothill Expressway and Edith Avenue and the intersection of Foothill Expressway and San Antonio Road.

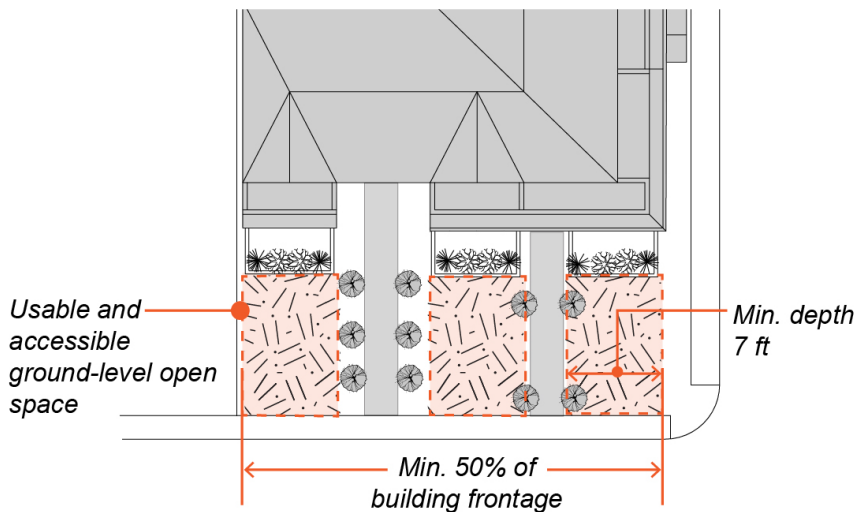
- 1. Building design at gateway intersection shall include:
 - a. Façade lighting; and
 - b. Overhangs or sloped roof forms.
- 2. Ground-floor design at gateway intersections must address both street frontages through:
 - a. Entrances that are visible and directly accessible from both streets;
 - b. Building transparency beyond the required minimum for the first 15 feet of building frontage from the corner;
 - c. Landscaped area with a minimum dimension of six feet; and
 - d. A usable public space with pedestrian-scaled features.

F. Landscaping and Paving.

- 1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
- 2. All paving located adjacent to a sidewalk must be textured (decorative or permeable).
- 3. A minimum 75 percent of on-site paving material must be pervious or permeable.
- 4. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
- 5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

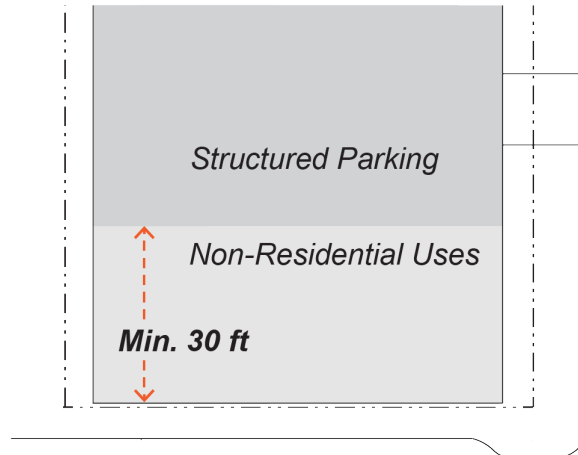


G. Ground Level Open Space. The required front setback area for residential-only development must be improved with a usable open space a minimum of 7 feet in depth for a minimum 50 percent of the building frontage.

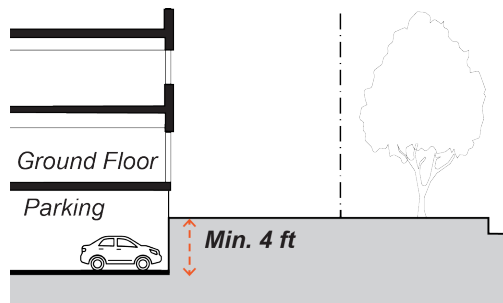


H. Parking Design and Access.

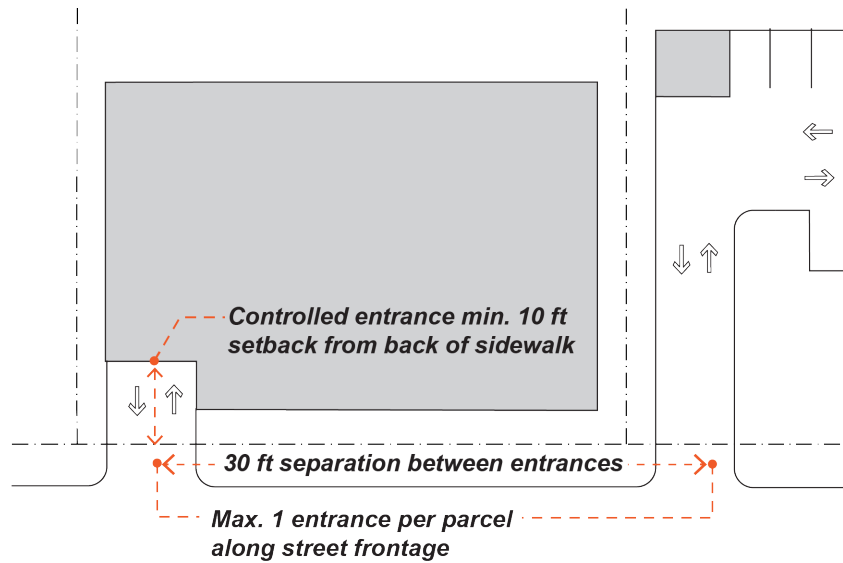
1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground floor non-residential uses at least 30 feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum 4 vertical feet below the elevation of the adjacent sidewalk.



- 2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces
 - b. Trellis/living wall
 - c. Custom textured or decorative screening
- 3. **Entrances to Parking Facilities.**
 - a. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
 - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum 10 feet from the back of sidewalk.
 - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of 30 feet.
 - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.



I. Site Circulation and Access.

1. A clearly defined, lighted and landscaped pedestrian route shall be provided between all parking areas and primary pedestrian entrance.
2. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
3. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.

J. Service Areas and Screening.

1. Service areas must be located at the rear of lot or along a parking plaza.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

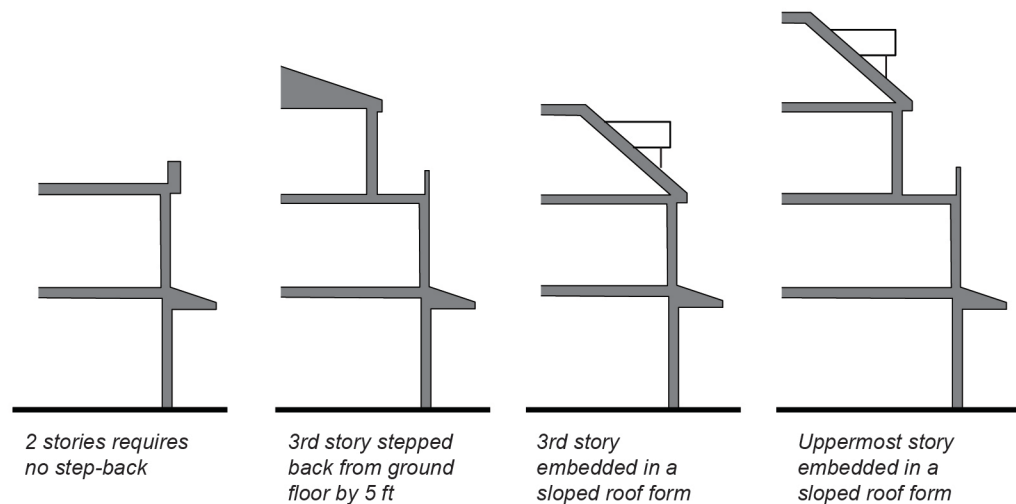
K. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CD/R3 District.

Revised 14.54.130 Design Control (CRS/OAD)

A. Building Massing and Articulation.

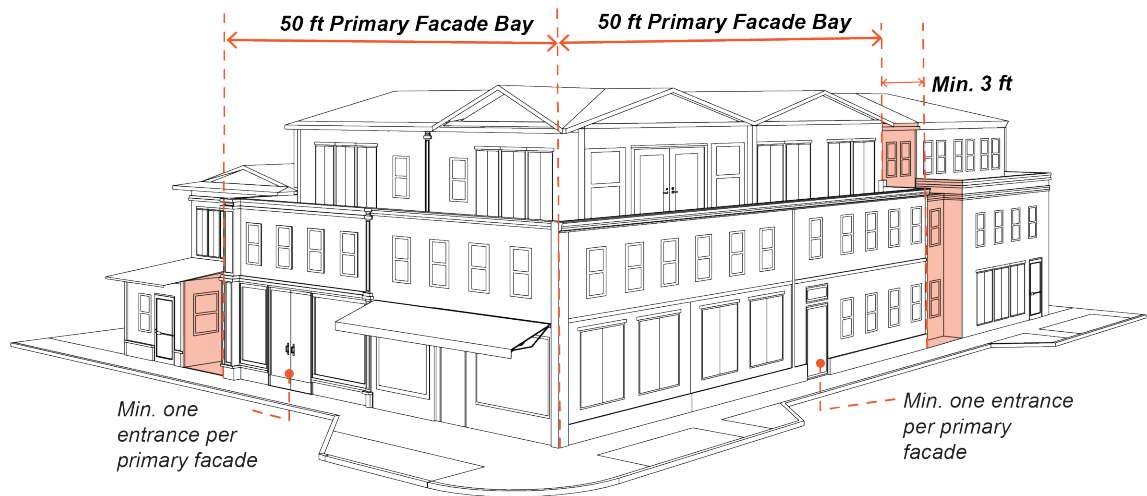
1. *Upper-story Step-backs, Front and Street Side.*

- a. The third story must be either stepped back a minimum 5 feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.54.130.A.6.
- b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.54.130.A.6.

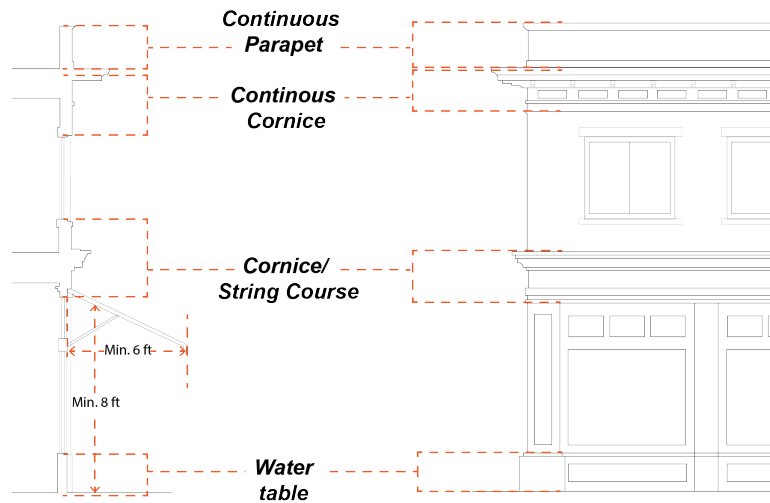
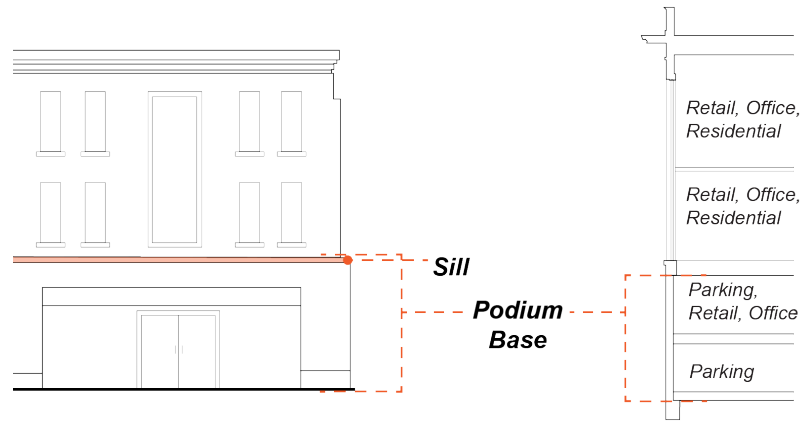


2. *Vertical Articulation.*

- a. When a building façade exceeds 50 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. A minimum one entrance shall be provided per primary façade bay.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



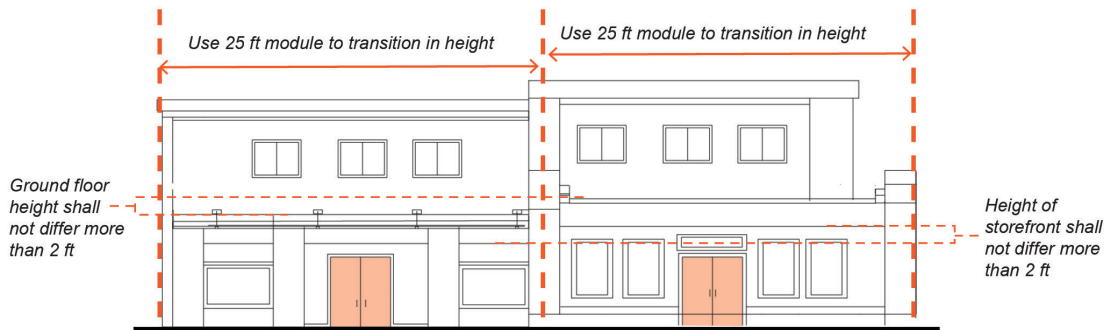
3. **Horizontal Articulation.** New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
 - a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between 8 and 54 inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable + Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
 - b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.54.130.A.6. These elements shall be consistent with the overall architectural style of the building mass/bay.



4. **Adjacencies.**

a. *Storefront Facades Adjacent to Storefront Facades.*

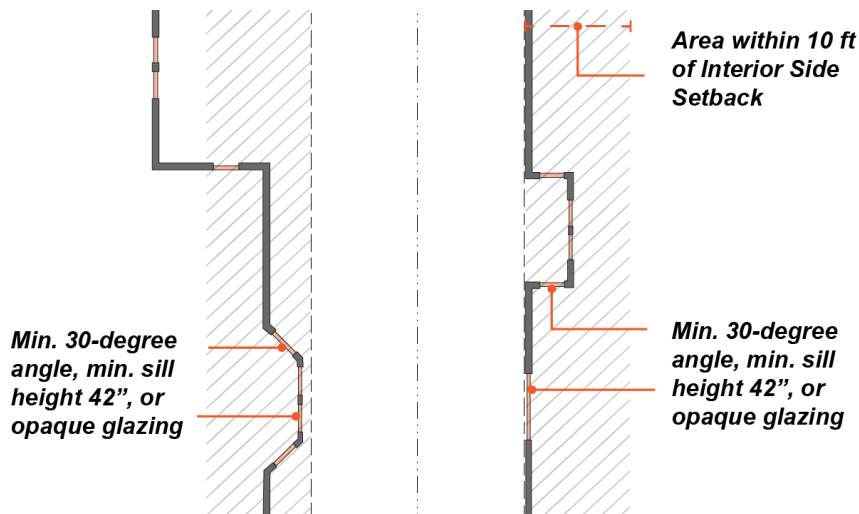
- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than 2 feet.
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than 2 feet.
- iii. Storefronts may transition in height using a module of 25 feet in length along a right-of-way.



- b. **Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More.** When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:
 - i. Incorporate the uppermost floor into the roof form
 - ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height
 - iii. Match window heights and/or proportions
 - iv. Relate roof cornices and moldings at floor lines

5. **Privacy and Line of Sight.**

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.



6. **Roofline and Roof Design.**

a. Roof designs shall be limited to:

- i. Hipped
- ii. Gable
- iii. Mansard

(a) Applicable for buildings 3 or more stories.

iv. Dormer

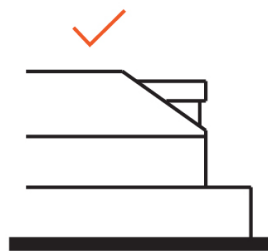
v. Parapet.

(a) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:

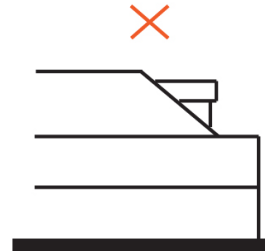
- (1) Steps
- (2) Curves
- (3) Angled surfaces

(b) The length of a parapet segment on the third floor and above may not exceed 25 feet.

b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



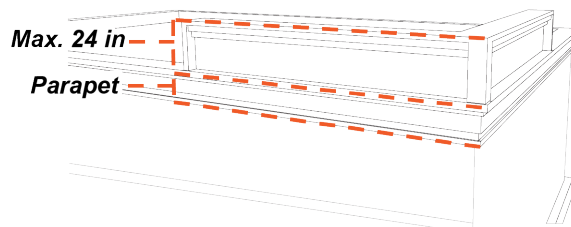
Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.

- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.

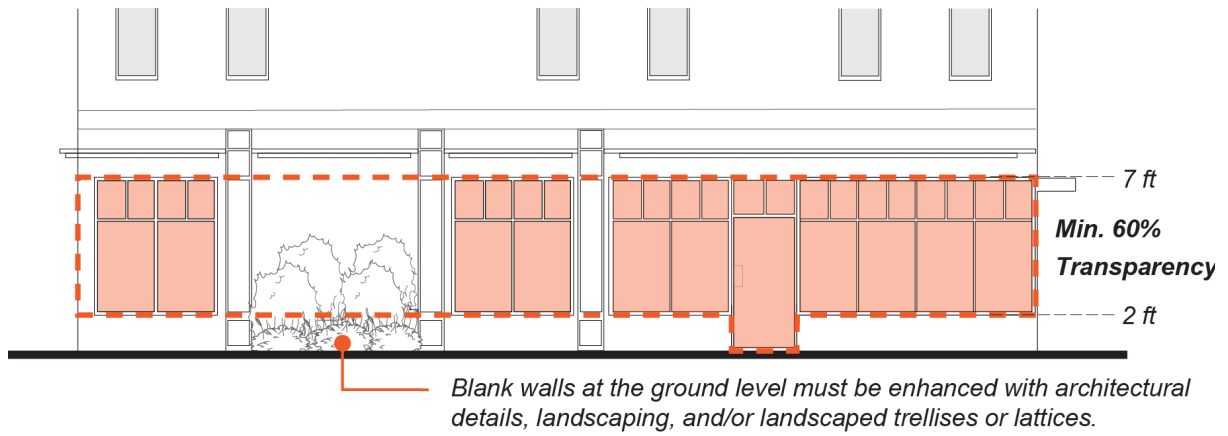


B. Building Design.

1. Façade Design.

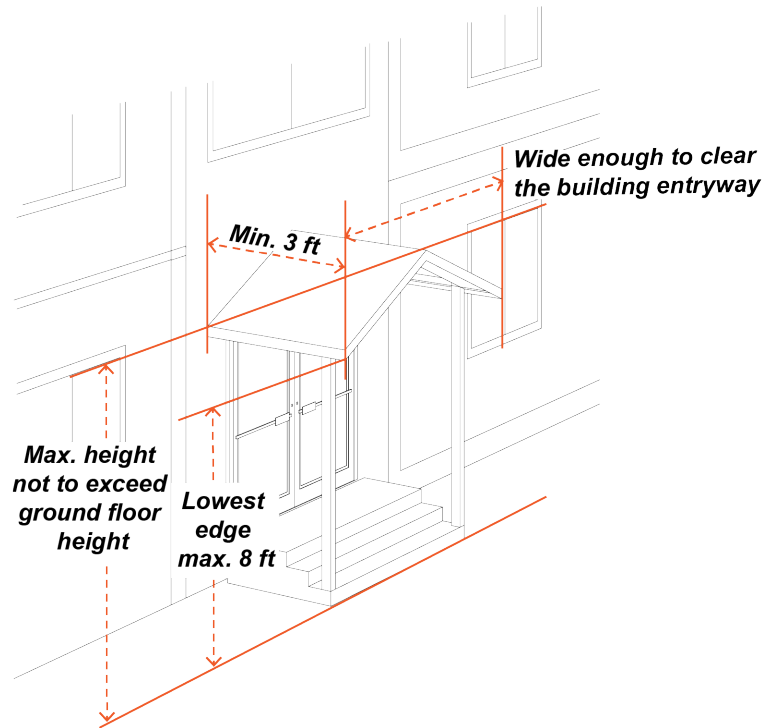
- a. Building façade must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 25-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls, columns, or other structural elements. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
 - iv. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- b. At least two of the following strategies must be used in a manner that reinforces the maximum 25-foot module:
 - i. Change in roof parapet height or shape.
 - ii. Change in roof style
 - iii. Change in materials palette
 - iv. Change in building height, minimum 8-foot difference.
 - v. Change in frontage type or change in details of Shopfront frontage type if used.
 - vi. Use of upper floor projections such as bay windows or balconies.

2. **Ground Level Transparency.** A minimum 60 percent of commercial ground floor street-facing facades between 2 and 7 feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.

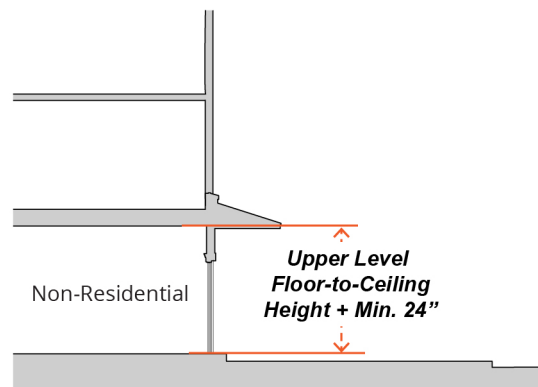


3. **Pedestrian-Scaled Entrances.**
 - a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Shopfront
 - (a) Shopfronts more than 25 feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed 25 continuous feet.
 - ii. Gallery
 - iii. Arcade with Shopfront frontage.
 - b. *Primary Entrance Location(s).* Locate primary entrance on the front right-of-way.
 - c. *Corner Entrances.* Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
 - d. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles

- v. Plaque signs for upper-floor business tenants
- e. *Entry Protection.* Primary street-facing entrances shall be protected by a recess in the building frontage at least 3 feet deep or by a projection extending outward at least 3 feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
- i. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.



- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
4. **Ground Floor Floor-to-Ceiling Height.** Minimum 24 inches taller than typical upper floor floor-to-ceiling height.



5. **Interior Courtyard.** Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
 - b. Enclosed on at least two sides by buildings
 - c. Open to the sky (arbors and trellises are allowed)
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.
6. **Paseos.** Paseos must be:
 - a. A minimum width of 10 feet for through-block paseos.
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.

C. Window Design.

1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
2. Vinyl are prohibited on facades visible from a right-of-way.
3. Tinted glass is not allowed.

D. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum are not permitted.
 - c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)

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- i. All siding wood, composite wood, or cement fiberboard.
- ii. Wood siding shall be painted or stained.
- iii. Vinyl and aluminum siding are not permitted.
- c. Stone (watertable and building base only)
- d. Brick (watertable and building base only)
- e. Tile (for bulkheads below display windows and decorative accents only)
- f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes not allowed.
- g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
- h. Concrete (watertable and building base only, board-form only, cast concrete not permitted).

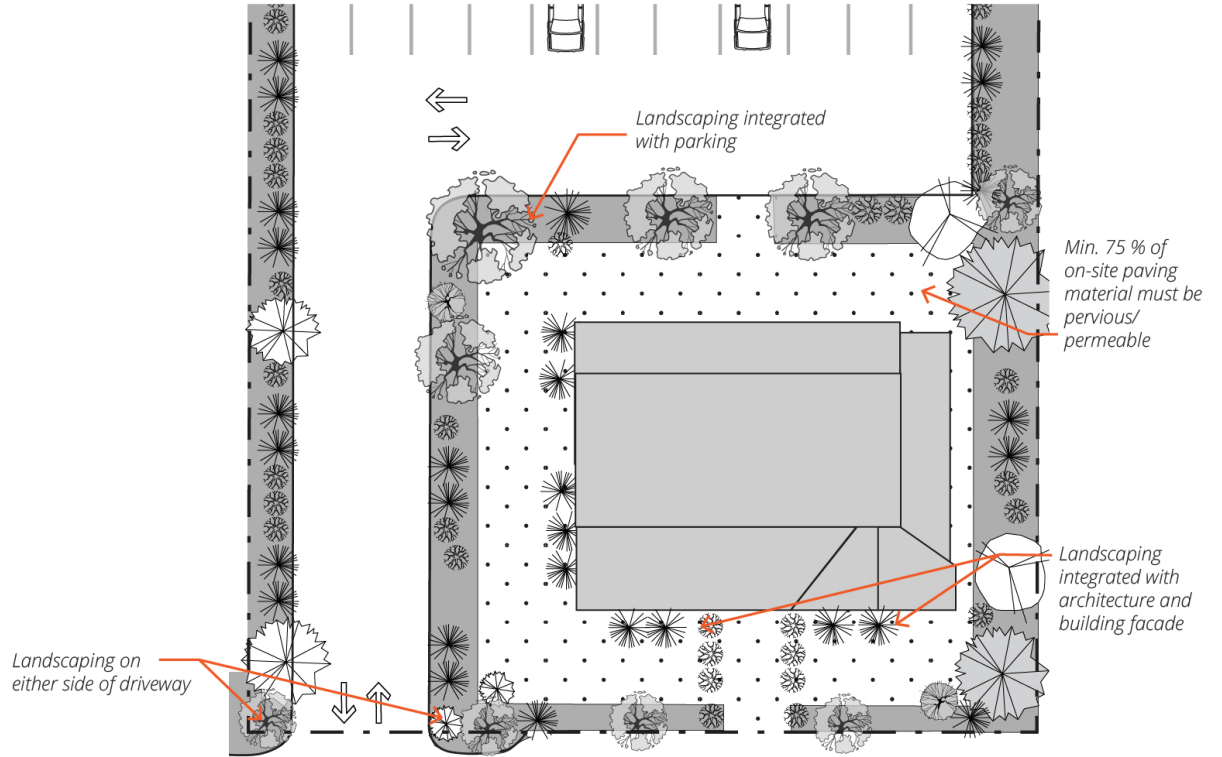
E. Downtown Gateway. A downtown gateway is located at the intersection of Edith Avenue, State Street, and San Antonio Road.

- 1. Building design at gateway intersection shall include:
 - a. Façade lighting; and
 - b. Overhangs or sloped roof forms.
- 2. Ground-floor design at gateway intersections must address both street frontages through:
 - a. Entrances that are visible and directly accessible from both streets;
 - b. Building transparency beyond the required minimum for the first 15 feet of building frontage from the corner;
 - c. Landscaped area with a minimum dimension of six feet; and
 - d. A usable public space with pedestrian-scaled features.

F. Landscaping and Paving, and Pedestrian Amenities

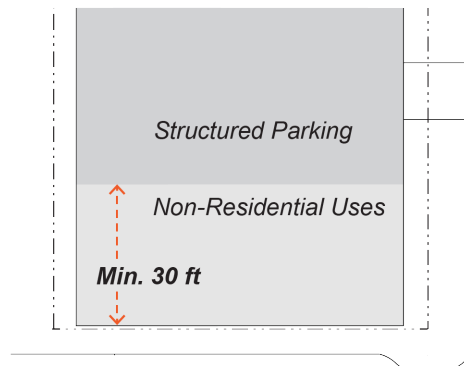
- 1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
- 2. All paving located adjacent to a sidewalk must be textured (decorative or permeable).
- 3. A minimum 75 percent of on-site paving material must be pervious/permeable.
- 4. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building facades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.

- d. A publicly visible and accessible pedestrian amenity such as benches, a fountain, a rain garden, decorative paving, and/or public art.
- 5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

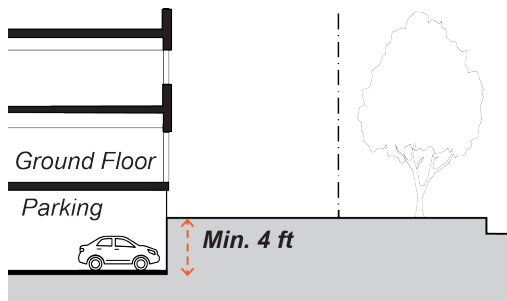


G. Parking Design and Access

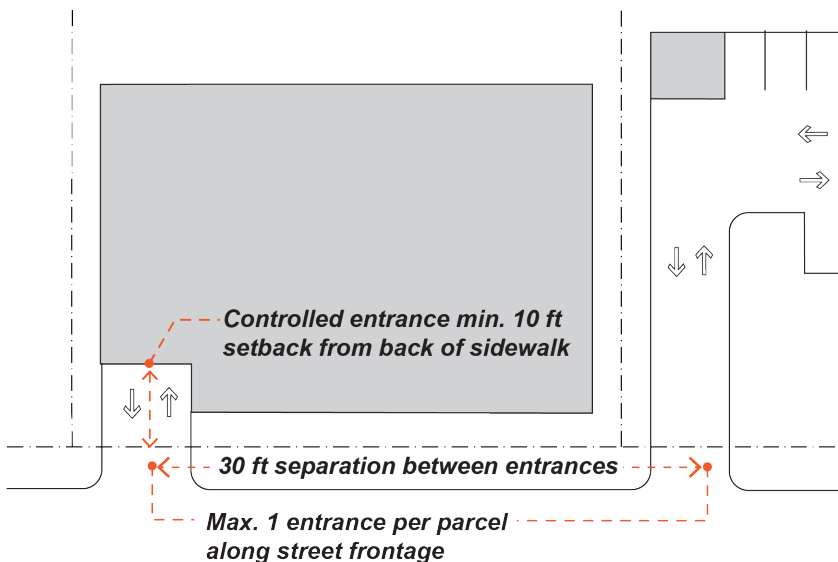
- 1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground floor non-residential uses at least 30 feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum 4 vertical feet below the elevation of the adjacent sidewalk.



- 2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces
 - b. Trellis/living wall
 - c. Custom textured or decorative screening
- 3. **Entrances to Parking Facilities.**
 - a. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum 10 feet from the back of sidewalk.
 - b. Entrances to parking facilities along a street frontage shall be separated by a minimum of 40 feet, excluding access to parking plazas.
 - c. Where possible, curb cuts serving adjacent parking facilities shall be shared.



H. Site Circulation and Access

- 1. A clearly defined, lighted and landscaped pedestrian route shall be provided between all parking areas and primary pedestrian entrance.

2. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
3. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.

I. Service Areas and Screening.

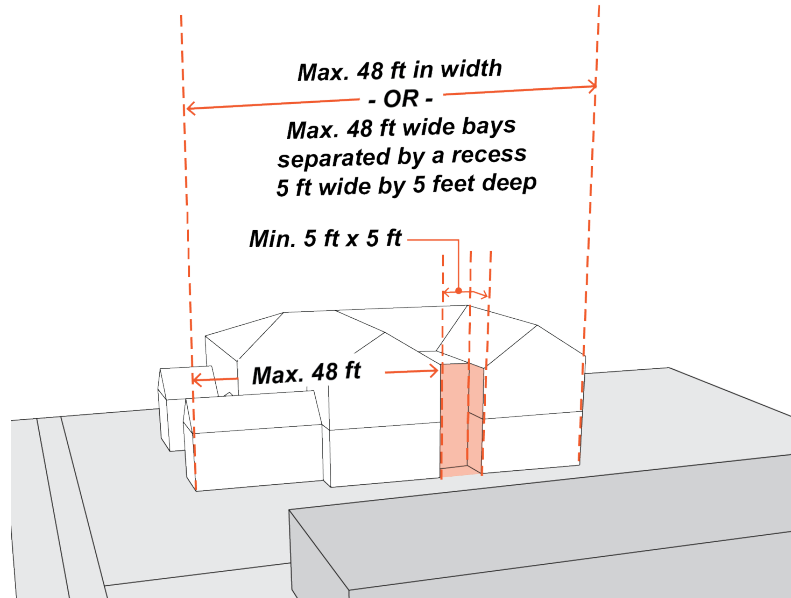
1. Service areas must be located at the rear of lot or along a parking plaza.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

J. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CRS/OAD District.

Revised 14.16.100 Design Control (R3-4.5)

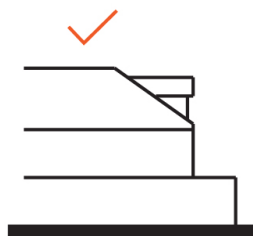
A. Building Massing and Articulation.

1. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Section 14.16.1100.A.4.
2. **Vertical Articulation.**
 - a. Each building volume shall be defined according to one of the following classifications:
 - i. Main Body (one per building): The widest volume of the structure, containing main entrances and the most public interior spaces.
 - ii. Wing (optional, multiple per main body allowed): A narrower volume attached to a Main Body volume.
 - b. Each Main Body volume shall contain at least one entrance.
 - c. Street-facing Wings shall be recessed by no less than 3 feet relative to the front façade of the Main Body.
 - d. The eave/roof of a Wing shall be no higher than the corresponding elements of the Main Body.
3. **R-1 Adjacencies.**
 - a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
 - b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.
 - c. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
 - d. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.

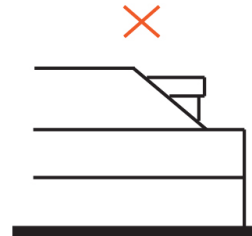


4. **Roofline and Roof Design.**

- a. Acceptable roof forms are limited to:
 - i. Hipped
 - ii. Gable
 - iii. Dormer
- b. When the top story is stepped back and embedded in a sloped roof form, the floor below must (and other floors may) be stepped back to meet the slope of the top floor.



Acceptable:
 One story below the story embedded in a sloped roof is also stepped-back .

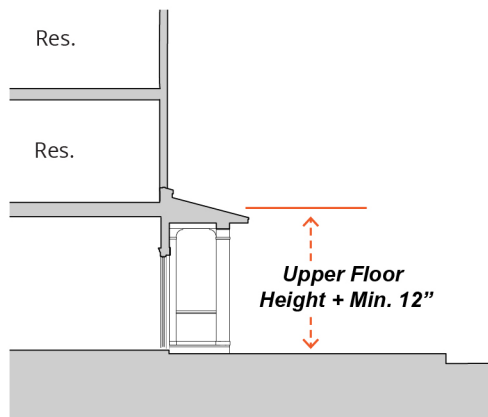


Not acceptable:
 Top story embedded in a sloped roof is the only story stepped back.

- c. Façade facing R-1 Zone must utilize a hipped or gable roof and may incorporate dormers.
- d. Roofline at corners shall not exceed roofline of adjacent wallplanes by more than 24 inches.

B. Building Design.

1. **Façade Composition.** Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
2. **Building Entrances.** Building entrances must incorporate one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - a. Stoop
 - b. Porch
 - c. Dooryard
3. **Primary Entrance Location(s).** Locate primary entrance along the front right-of-way and/or interior courtyard.
4. **Ground Floor Floor-to-Ceiling Height.** Minimum 12 inches taller than typical upper floor floor-to-ceiling height.



C. Window Design.

1. All windows must have a sill.
2. Vinyl sliding windows are prohibited on facades visible from a right-of-way.

D. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum are not permitted.

- c. Stone
- d. Brick
- 2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (watertable and building base only)
 - d. Brick (watertable and building base only)
 - e. Tile
 - f. Concrete (watertable and building base only, board-form only, cast concrete not permitted).

E. Screening.

- 1. Service, trash, and utility areas must be screened from view of the right-of-way.
- 2. Screening must be architecturally consistent with primary building in terms of materials, colors, and style.

F. Topography and Grading.

- 1. A stepped foundation is required where the average slope beneath the proposed structure exceeds 10 percent.
- 2. Terracing and plantings must reflect the shape of the natural terrain.

G. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all multi-family development in the R3-4.5 District.**Revised 14.18.120 Design Control (R3-5)**

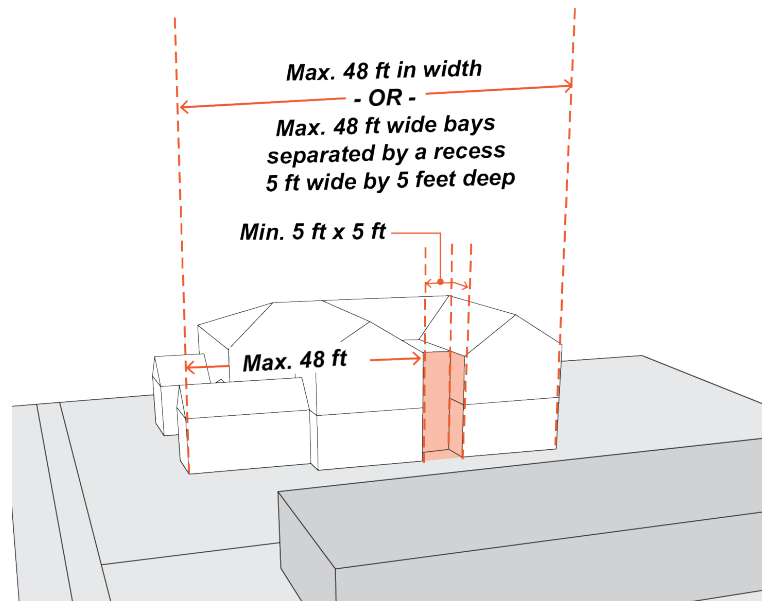
A. Building Massing and Articulation.

- 1. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Section 14.18.120.A.4.
- 2. **Vertical Articulation**
 - a. Each building volume shall be defined according to one of the following classifications:

- i. Main Body (one per building): The widest volumes of the structure, containing main entrances and the most public interior spaces.
 - ii. Wing (optional, multiple per main body allowed): A narrower volume attached to a Main Body volume.
- b. Each Main Body volume shall contain at least one entrance.
 - c. Street-facing Wings shall be recessed by no less than 3 feet relative to the front façade of the Main Body.
 - d. The eave/roof of a Wing shall be no higher than the corresponding elements of the Main Body.

3. **R-1 Adjacencies.**

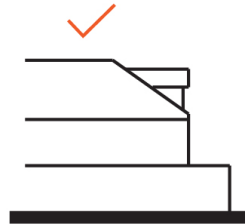
- a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
- b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.
- c. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
- d. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.



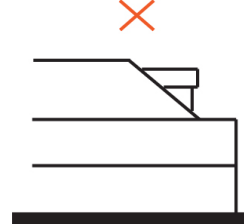
4. **Roofline and Roof Design.**

- a. Acceptable roof forms:
 - i. Hipped
 - ii. Gable
 - iii. Dormer

- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .

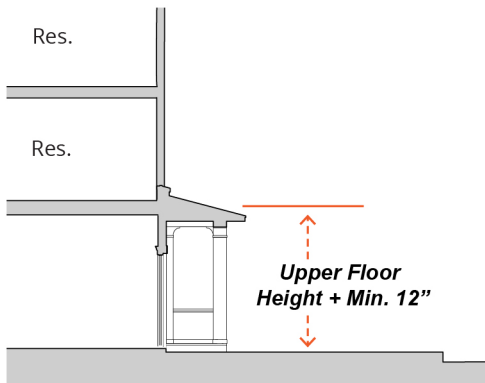


Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- c. Façade facing R-1 Zone must utilize a hipped or gable roof and may incorporate dormers.
- d. Roofline at corners shall not exceed roofline of adjacent wallplanes by more than 24 inches.

B. Building Design.

1. **Façade Composition.** Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
2. **Building Entrances.** Building entrances must incorporate one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - a. Stoop
 - b. Porch
 - c. Dooryard
3. **Primary Entrance Location(s).** Locate primary entrance on the front ROW and/or interior courtyard.
4. **Ground Floor Floor-to-Ceiling Height.** Minimum 12 inches taller than typical upper floor floor-to-ceiling height.



C. Window Design.

1. All windows must have a sill.
2. Vinyl sliding windows are prohibited on facades visible from a right-of-way.

D. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (watertable and building base only)
 - d. Brick (watertable and building base only)
 - e. Tile
 - f. Concrete (watertable and building base only, board-form only, cast concrete not permitted).

E. Landscaping.

1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. Low walls and/or hedges must screen the parking along the sidewalk. When walls are used, the materials and design must be compatible with and not obscure the architectural style of the building.

F. Screening.

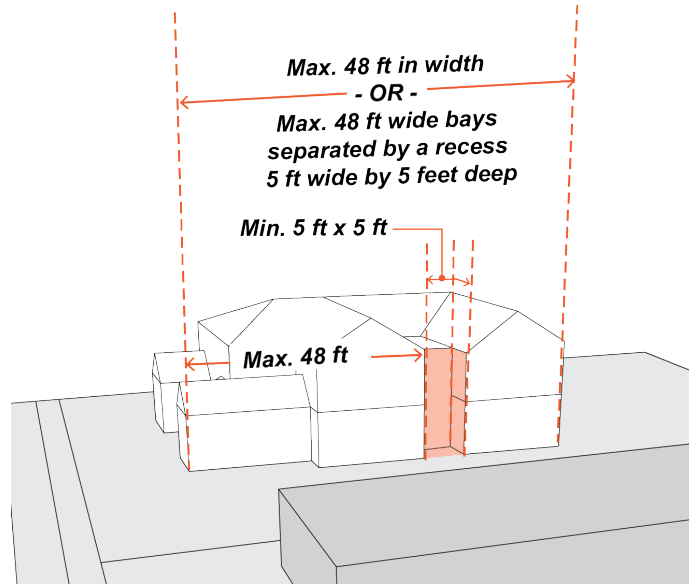
1. Service, trash, and utility areas must be screened from view of the right-of-way.
2. Screening must be architecturally consistent with primary building in terms of materials, colors, and style.

G. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all multi-family development in the R3-5 District.

Revised 14.20.120 Design Control (R3-3)

A. Building Massing and Articulation.

1. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Section 14.20.120.A.4.
2. **Vertical Articulation**
 - a. Each building volume shall be defined according to one of the following classifications:
 - i. Main Body (one per building): The widest volumes of the structure, containing main entrances and the most public interior spaces.
 - ii. Wing (optional, multiple per main body allowed): A narrower volume attached to a Main Body volume.
 - b. Each Main Body volume shall contain at least one entrance.
 - c. Street-facing Wings shall be recessed by no less than 3 feet relative to the front façade of the Main Body.
 - d. The eave/roof of a Wing shall be no higher than the corresponding elements of the Main Body.
3. **R-1 Adjacencies.**
 - a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
 - b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.
 - c. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
 - d. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.



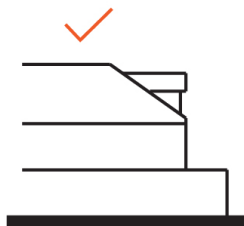
4. **Roofline and Roof Design.**

a. Acceptable roof forms:

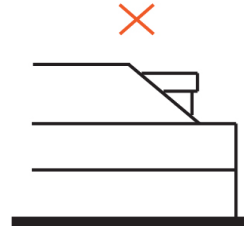
- i. Hipped
- ii. Gable
- iii. Dormer

b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.

c. Façade facing R-1 Zone must utilize a hipped or gable roof and may



Acceptable:
 One story below the top story embedded in a sloped roof is also stepped-back .



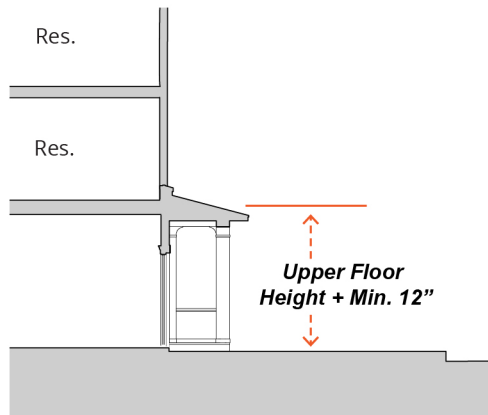
Not acceptable:
 Top story embedded in a sloped roof is the only story stepped back.

incorporate dormers.

d. Roofline at corners shall not exceed roofline of adjacent wallplanes by more than 24 inches.

B. Building Design.

1. **Façade Composition.** Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
2. **Building Entrances.** Building entrances must incorporate one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - a. Stoop
 - b. Porch
 - c. Dooryard
3. **Primary Entrance Location(s).** Locate primary entrance along the front right-of-way and/or interior courtyard.
4. **Ground Floor Floor-to-Ceiling Height.** Minimum 12 inches taller than typical upper floor floor-to-ceiling height.



C. Window Design.

1. All windows must have a sill.
2. Vinyl sliding windows are prohibited on facades visible from a right-of-way.

D. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.

- c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
- a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (watertable and building base only)
 - d. Brick (watertable and building base only)
 - e. Tile
 - f. Concrete (watertable and building base only, board-form only, cast concrete not permitted).

E. Landscaping.

- 1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
- 2. Low walls and/or hedges must screen the parking along the sidewalk. When walls are used, the materials and design must be compatible with and not obscure the architectural style of the building.

F. Screening.

- 1. Service, trash, and utility areas must be screened from view of the right-of-way.
- 2. Screening must be architecturally consistent with primary building in terms of materials, colors, and style.

G. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all multi-family development in the R3-3 District.

Revised 14.22.110 Design Control (R3-1.8)

A. Building Massing and Articulation.

1. **Upper-story Step-backs.**

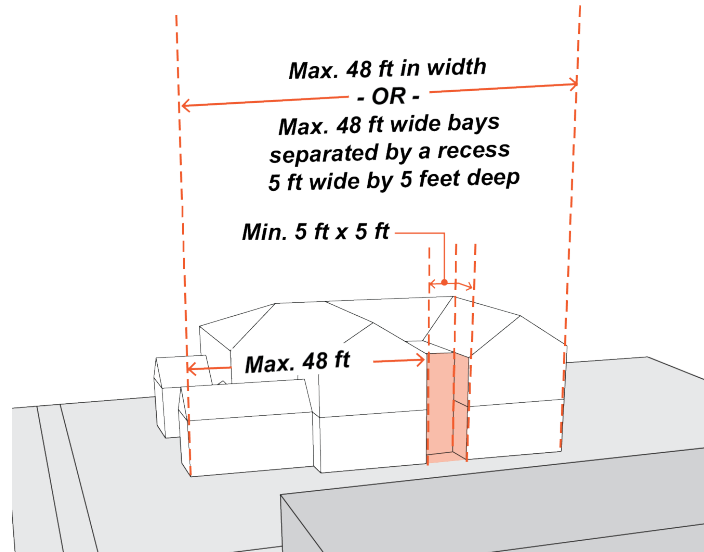
- a. *Front:* Minimum 5 feet from ground floor façade for third story and above for building facades 50 feet or greater in width.
- b. *Street Side:* Minimum 5 feet from ground floor façade for third story and above for building facades 50 feet or greater in width.
- c. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Section 14.22.110.A.4.

2. **Vertical Articulation**

- a. Each building volume shall be defined according to one of the following classifications:
 - i. **Main Body** (one per building): The widest volumes of the structure, containing main entrances and the most public interior spaces.
 - ii. **Wing** (optional, multiple per main body allowed): A narrower volume attached to a Main Body volume.
- b. Each Main Body volume shall contain at least one entrance.
- c. Street-facing Wings shall be recessed by no less than 3 feet relative to the front façade of the Main Body.
- d. The eave/roof of a Wing shall be no higher than the corresponding elements of the Main Body.

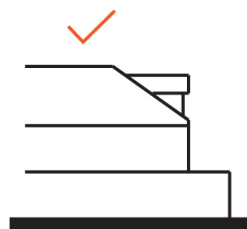
3. **R-1 Adjacencies.**

- a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
- b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.
- c. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
- d. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.

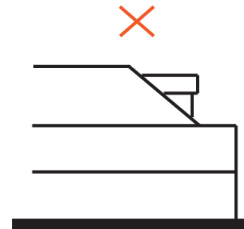


4. **Roofline and Roof Design.**

- a. Acceptable roof forms:
 - i. Hipped
 - ii. Gable
 - iii. Dormer
- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



Acceptable:
 One story below the story embedded in a sloped roof is also stepped-back .

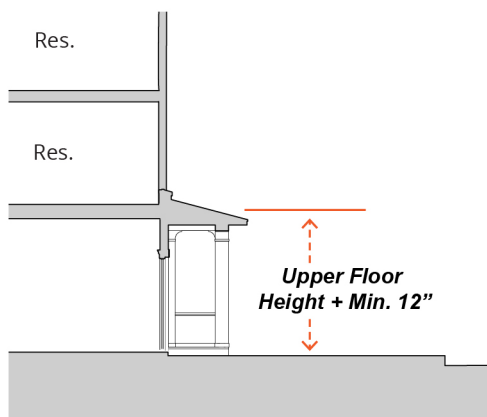


Not acceptable:
 Top story embedded in a sloped roof is the only story stepped back.

- c. Façade facing R-1 Zone must utilize a hipped or gable roof and may incorporate dormers.
- d. Roofline at corners shall not exceed roofline of adjacent wallplanes by more than 24 inches.

B. Building Design.

1. **Façade Composition.** Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
2. **Building Entrances.** Building entrances must incorporate one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - a. Stoop
 - b. Porch
 - c. Dooryard
3. **Primary Entrance Location(s).** Locate primary entrance on the front ROW and/or interior courtyard.
4. **Ground Floor Floor-to-Ceiling Height.** Minimum 12 inches taller than typical upper floor floor-to-ceiling height.



- C. Storage.** Each multi-family residential dwelling unit shall have a minimum of ninety-six (96) cubic feet of enclosed storage, excluding closet and garage areas.

D. Window Design.

1. All windows must have a sill.
2. Vinyl sliding windows are prohibited on facades visible from a Right of Way.

E. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.

- ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
- 2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard
 - ii. Wood siding shall be painted or stained
 - iii. Vinyl and aluminum siding are not permitted
 - c. Stone (watertable and building base only)
 - d. Brick (watertable and building base only)
 - e. Tile
 - f. Concrete (watertable and building base only, board-form only, cast concrete not permitted)

F. Landscaping.

- 1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
- 2. Low walls and/or hedges must screen the parking along the sidewalk. When walls are used, the materials and design must be compatible with and not obscure the architectural style of the building.

G. Screening.

- 1. Service, trash, and utility areas must be screened from view of the right-of-way.
- 2. Screening must be architecturally consistent with primary building in terms of materials, colors, and style.

H. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all multi-family development in the R3-1.8 District.

Revised 14.24.110 Design Control (R3-1)

A. Building Placement. A minimum 85 percent of the building frontage must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).

B. Building Massing and Articulation.

1. **Upper-story Step-backs.**

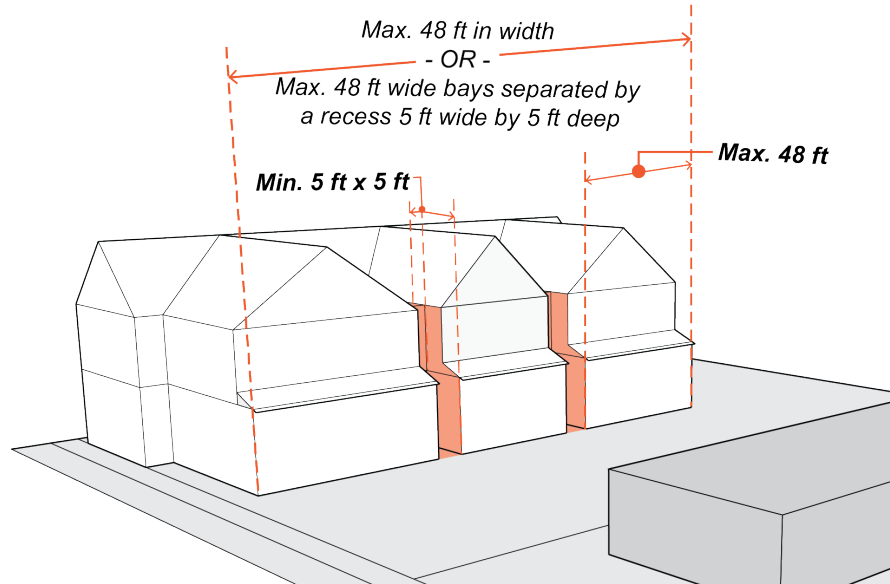
- a. *Front:* Minimum 5 feet from ground floor façade for fourth story and above for building facades 50 feet or greater in width.
- b. *Street Side:* Minimum 5 feet from ground floor façade for fourth story and above for building facades 50 feet or greater in width.
- c. *Interior Side and Rear Abutting an R-1 District:* Minimum 5 feet from ground floor façade for fourth story and above.
- d. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Section 14.24.110.A.5.

2. **Vertical Articulation.** When a building façade exceeds 50 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.



3. **R-1 Adjacencies.**

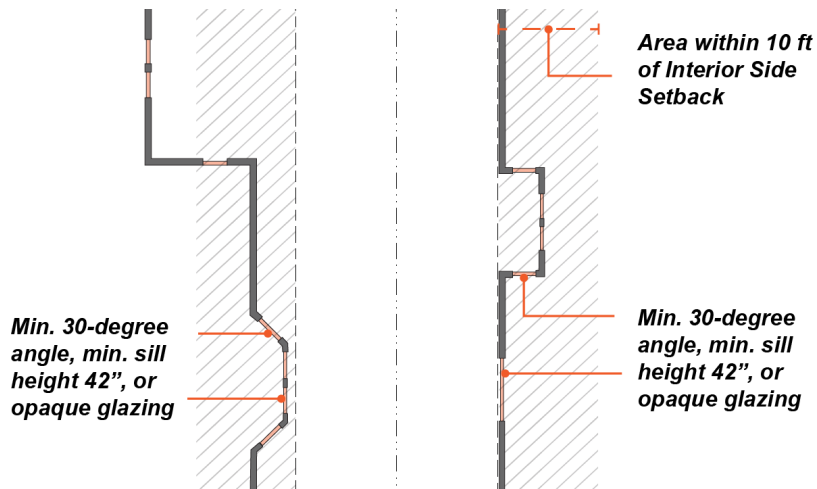
- a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
- b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.



- c. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story facades abutting R-1 zones.
- d. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zones.

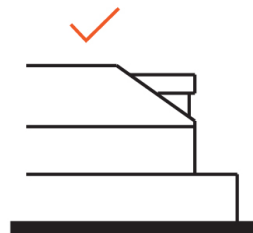
4. **Privacy and Line of Sight.**

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is 44 inches from finished floor.

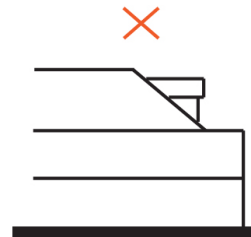


5. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
 - i. Hipped
 - ii. Gable
 - iii. Dormer
 - iv. Parapet
 - (a) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps
 - (2) Curves
 - (3) Angled surfaces
 - (b) Parapet limited to 25 percent of cumulative roof perimeter on the third floor and above.
 - (c) The length of a parapet segment on the third floor and above may not exceed 25 feet.
- b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



Acceptable:
One story below the story embedded in a sloped roof is also stepped-back .



Not acceptable:
Top story embedded in a sloped roof is the only story stepped back.

- c. Façade facing R-1 Zone must utilize a hipped or gable roof and may incorporate dormers.
- d. Corner Treatment. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than 24 inches.

C. Building Design.

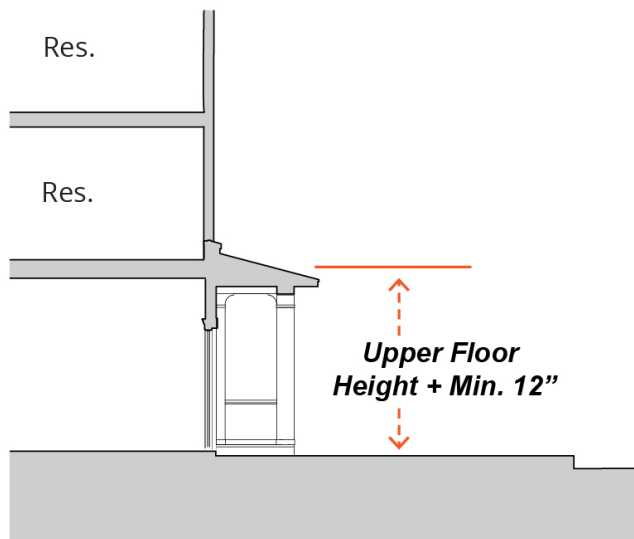
1. ***Façade Composition.***

- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 25-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns.
 - ii. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - iii. Facades shall incorporate at least one element that signals habitation, such as porches, bay windows, or balconies.
 - iv. Non-glazed wall areas (blank walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- a. At least two of the following strategies must be used in a manner that reinforces the maximum 25-foot module:
 - i. Change in roof parapet height or shape.
 - ii. Change in roof style
 - iii. Change in materials palette
 - iv. Change in building height, minimum 8-foot difference.
 - v. Change in frontage type or change in details of Shopfront frontage type if used.
 - vi. Use of upper floor projections such as bay windows or balconies.

2. ***Building Entrances.*** Building entrances must incorporate one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.

- a. Stoop
- b. Porch
- c. Dooryard
- d. Gallery
- e. Arcade
- f. Forecourt
 - i. Forecourts must feature at least one entry to a shop and/or second floor use.

- ii. Forecourts for buildings more than 70 feet in length along a right-of-way must have a minimum width and depth of 15 feet from front façade. Width of forecourt shall be equal to or greater than depth.
 - iii. The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
 - iv. Forecourt must be enclosed on at least three sides by buildings.
 - v. Forecourt must remain open to the sky (arbors and trellises are allowed).
- g. Terrace
- 3. **Primary Entrance Location(s).** Locate primary entrance on the front ROW and/or interior courtyard.
 - 4. **Individual Entries.** Ground floor residential units facing a street must provide individual entries along the street frontage.
 - 5. **Interior Courtyard.** Interior courtyards must be:
 - a. Enclosed on at least two sides by buildings
 - b. Open to the sky (arbors and trellises are allowed)
 - c. A minimum width of 20 feet and a minimum area of 400 square feet.
 - 6. **Paseos.** Paseos must be:
 - a. A minimum width of 10 feet for through-block paseos
 - b. A minimum width of 4 feet for entries to courtyards or individual single businesses.
 - 7. **Ground Floor Floor-to-Ceiling Height.** Minimum 12 inches taller than typical upper floor floor-to-ceiling height.



D. Window Design.

1. All windows must have a sill.
2. Vinyl sliding windows are prohibited on facades visible from a right-of-way.

E. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone
 - d. Brick
2. Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco not allowed, EIFS not allowed)
 - b. Siding (lap, vertical, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (watertable and building base only)
 - d. Brick (watertable and building base only)
 - e. Tile
 - f. Metal (matte finish or Cor-ten)
 - i. Ribbed metal, titanium, and mirrored finishes not allowed
 - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
 - h. Concrete (watertable and building base only, board-form only, cast concrete not permitted).

F. Landscaping and Paving.

1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. Low walls and/or hedges must screen the parking along the sidewalk. When walls are used, the materials and design must be compatible with and not obscure the architectural style of the building.

Revised 14.24.110 Design Control (R3-1)

3. A minimum 75 percent of on-site paving material must be pervious/permeable.

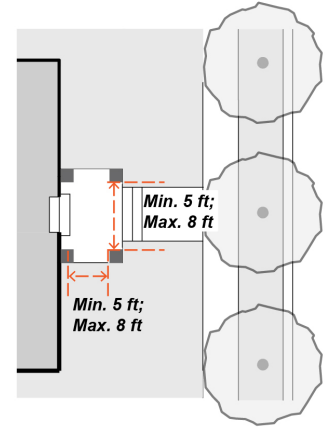
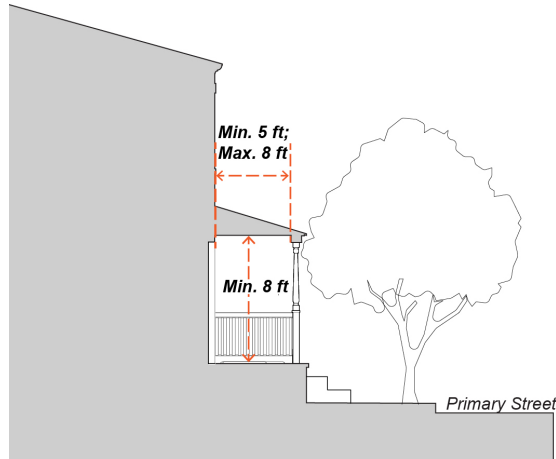
G. Screening.

1. Service areas must be located at the rear of lot or along a parking plaza.
2. Screening must be architecturally consistent with primary building in terms of materials, colors, and style.

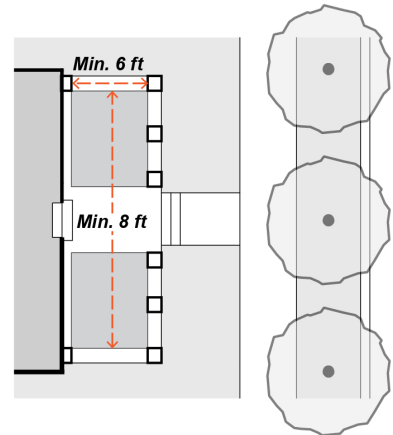
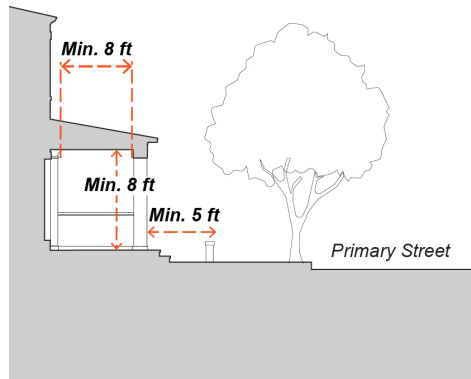
H. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all multi-family development in the R3-1 District.

New Section 14.66.275 Entrance Type Standards

A. Stoop

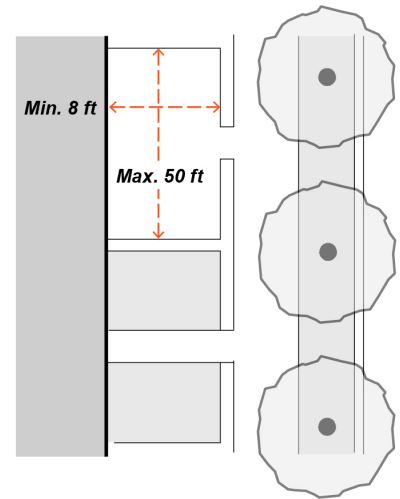


B. Porch

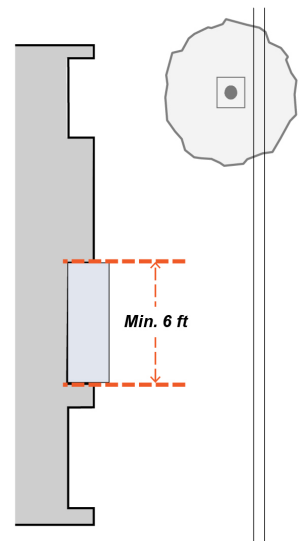
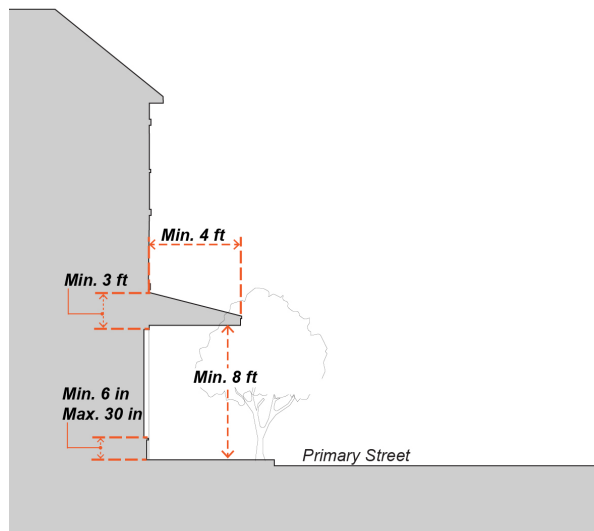


New Section 14.66.275 Entrance Type Standards

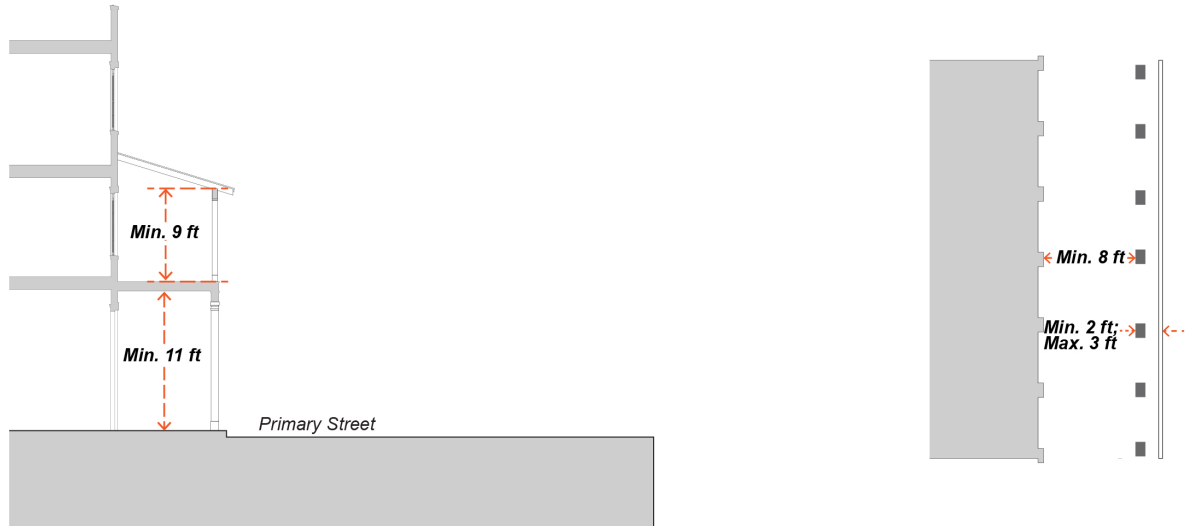
C. Dooryard



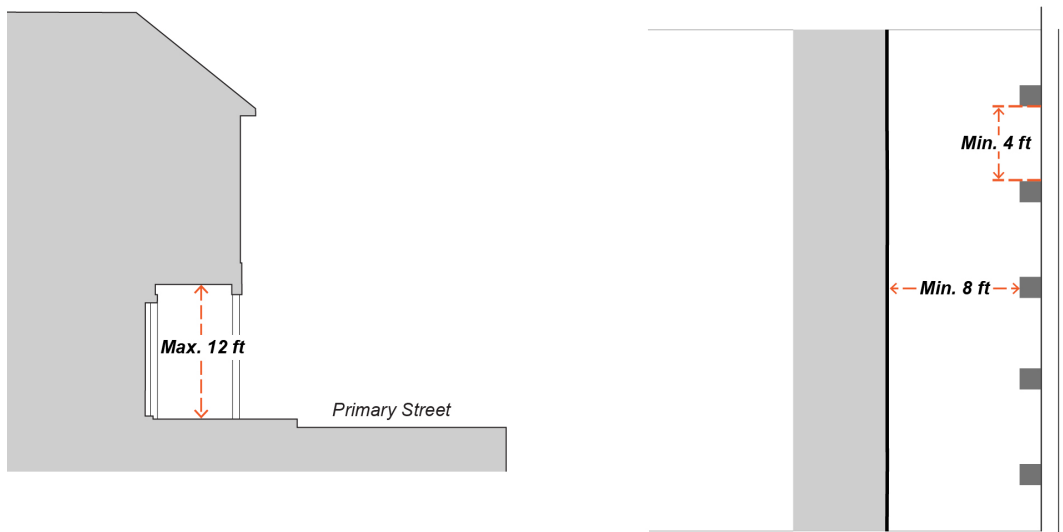
D. Shopfront



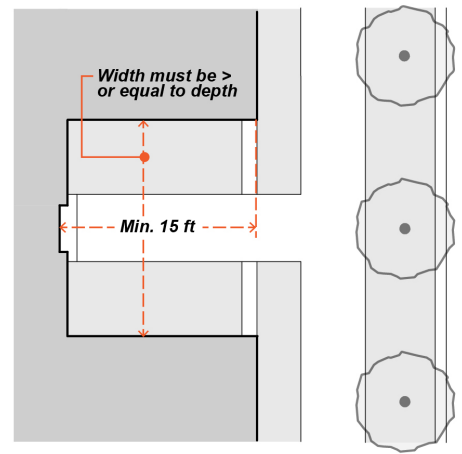
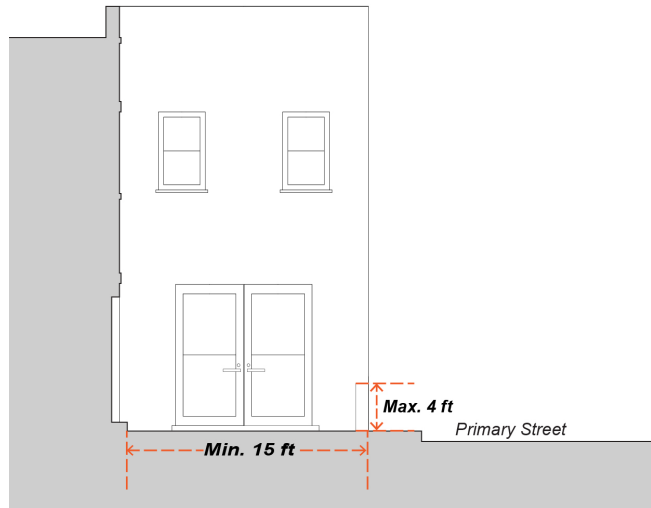
E. Gallery



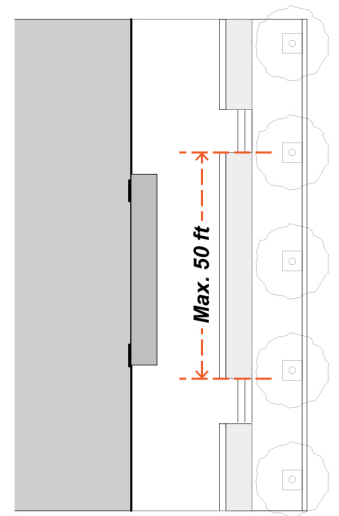
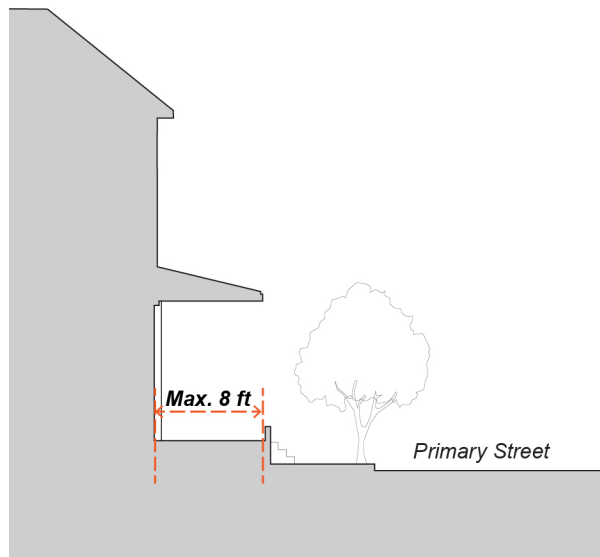
F. Arcade



G. Forecourt



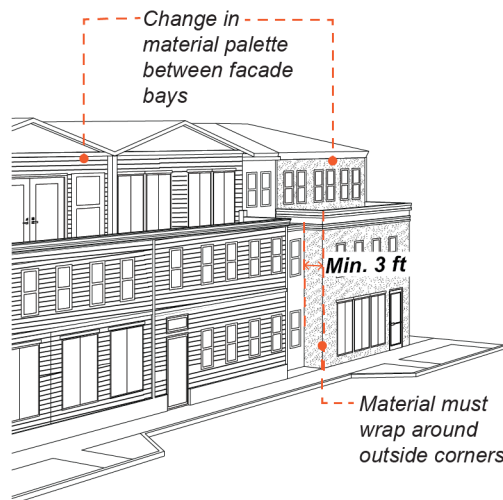
H. Terrace



New Section 14.66.280 Design Standards Applicable to All Multi-Family and Residential Mixed-Use Development

A. Architectural Integrity.

1. Material palette on all floors above the ground floor, not including floors contained within a sloped roof form, must be consistent.
2. Change in material may occur only at the inside corner of a change in wall plane. Material must wrap around outside corners.



B. Firewalls and Visible Sidewalls.

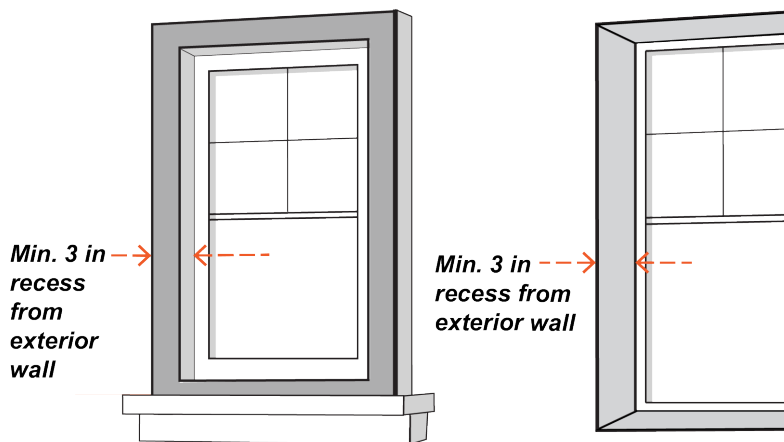
1. Any exposed surfaces shall be consistent with and expressive of the overall building design and shall be finished in the same palette of materials as the rest of the building. Front façade finished materials, façade cornices, wall top projections, decorative details, and moldings must be carried and repeated on the side wall.
2. At least one of the following techniques must be employed on firewalls/visible sidewalls:
 - a. Incorporation of windows where code allows and adequate fire protection can be provided.
 - b. Gable and hip roofs to vary the height and appearance of sidewalls.
 - c. Inset panels.
 - d. Stepped-back front façade of upper floor(s) to vary the sidewall profile.

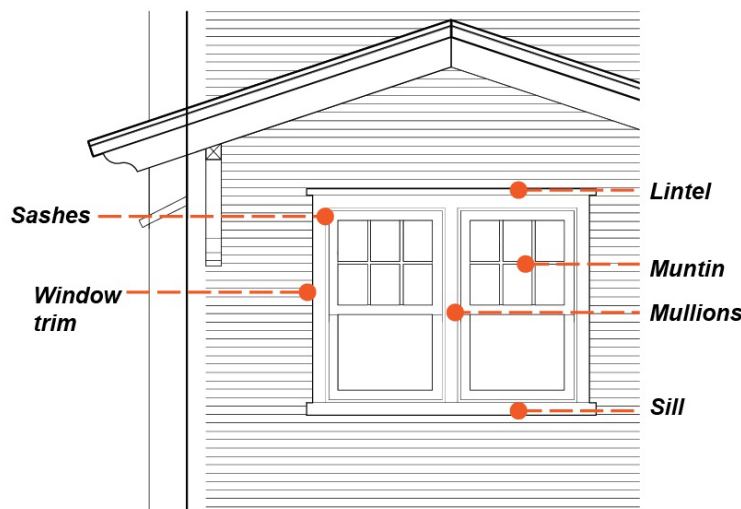
C. Durability. Exterior finish materials shall have an expected lifespan of no less than 30 years.

1. Features to direct rainwater away from exterior walls shall include one or more of the following:
 - a. Cornice, with drip at outer edge of corona (minimum 12-inch projection).
 - b. Projecting eaves (minimum 12-inch projection).

New Section 14.66.280 Design Standards Applicable to All Multi-Family and Residential Mixed-Use Development

- c. Scuppers, with or without downspouts (minimum 12-inch projection if no downspouts are used).
 - d. Gutters, with downspouts or rain chains.
 - i. Downspouts shall be one color and shall not change colors to match the wall behind them.
 - ii. Downspouts shall be round or rectangular, made of copper or metal.
 - iii. Downspouts shall not break façade profiles (such as a cornice) but shall wrap around projecting profile.
2. Exterior timber shall be protected from decay by one or more of the following:
- a. Material properties (e.g., cedar)
 - b. Staining and sealing
 - c. Painting
3. Exterior ferrous metals shall be protected from corrosion by one or more of the following:
- a. Metallurgical properties (e.g., galvanized, stainless, or weathering steel)
 - b. Painting or other impermeable coating.
4. **Windows.**
- a. All windows must be recessed a minimum of 3 inches from the outer wall surface for all Commercial and Multi-Family zones except the CT zone.
 - b. Window openings surrounded by masonry finish materials shall include a lintel that is taller than the sill/apron and proportional to the load it appears to carry.





D. Materials. Materials shall appear only in places and configurations appropriate to their structural properties.

1. Where walls use masonry finish materials (e.g. stone, brick, CMU), any openings spanned by the material must be either:
 - a. Arched, with each arch defined by a continuous series of voussoirs and a single keystone at the apex; or
 - b. Rectangular, with a continuous lintel spanning the opening and extending beyond by 4 to 6 inches at each end. Vertical dimension of the lintel shall be no less than 1/8 of the clear span. Steel lintels are exempt from this minimum vertical dimension.
2. When used, exterior timber posts, beams, rafters, purlins, brackets, etc. shall be joined according to structural principles.
3. Where a change in material is desired, all façade materials shall turn the corner and terminate into a vertical element of the façade composition.
4. **Materials Defining Building Elements.**
 - a. *Base.* For multistory buildings, the base of the building shall be defined by a distinct material selected from among the following: Stone, brick, concrete, CMU, or stucco ("base material").
 - b. *Body.* Typical materials for the main body of the building include wood, fiber cement, brick, stone, or stucco. If brick is used, it must extend vertically to the base; if stone is used, it must extend vertically to the foundation.
 - c. *Parapet.* Parapets shall terminate in a parapet cap of stone, concrete, tile, metal, or molded stucco.
 - d. *Bays.* Horizontal changes in finish material shall occur at the boundaries between bays rather than within a bay.
 - e. *Arcades.* Arcades shall be supported by columns or piers in concrete/cast stone, fiberglass, or stucco. Archivolts and impostes shall be expressed using similar materials/appearance.

New Section 14.66.280 Design Standards Applicable to All Multi-Family and Residential Mixed-Use Development

- f. *Structural elements.* Structural elements visible on the building exterior (e.g. rafters, purlins, posts, beams, balconies, brackets, trusses, columns, arches, etc.), even when ornamental, shall be sized and spaced according to their corresponding structural role, and materials shall be selected accordingly (see A. Architectural Integrity).

5. **Materials Allowed for Building Details/Ornament.**

- a. Wood
- b. Metal (wrought iron, copper, aluminum, tin)
- c. Glass fiber reinforced concrete (GFRC)/fiberglass
- d. Terra Cotta
- e. Tile
- f. Plaster

E. Colors.

1. A maximum of 4 colors shall be applied to be the building façade:
 - a. 1 primary color comprising 50 percent or more of the façade excluding transparent surfaces.
 - b. 1 secondary color comprising no more than 30 percent of the façade excluding transparent surfaces.
 - c. 1 tertiary color comprising no more than 20 percent of the façade excluding transparent surfaces.
 - d. 1 accent color for use on trim and architectural details.
2. Materials with intrinsic, naturally-occurring coloration shall not count towards this maximum. Such materials are limited to copper, Corten steel, unpainted wood, tile, and brick. Materials with prefinished color (stucco, cement fiberboard, colorized metal) shall count towards the maximum.
3. Changes in color may occur:
 - a. To articulate changes between base, body, and top portions of a façade, which must be separated by a cornice or profile or a change in material and must remain consistent across the length of the façade bay.
 - b. When a portion of the elevation is articulated as a separate building with a break in the roof form and a step back in the façade plane 5 feet or greater or step up in façade height at least 10 feet.
 - c. On attached elements, such as bay windows, orioles, and balconies.

F. Façade Lighting. Façade lighting shall be incorporated into all storefront design and all facades facing an R-1 district. Fixtures shall be:

1. Shielded and directed onto the building facade.
2. Consistent in style with the primary building.

G. Habitable Outdoor Space. Private, habitable outdoor space supported by the building structure, such as balconies or terraces, shall be either uncovered or sheltered. The following patterns are strongly recommended:

1. **Pergola:** Posts supporting beams with brackets, which in turn support purlins and/or rafters. Posts shall be no narrower in any dimension than 3.5" or 1/20 of the unbraced post length, whichever is greater.
2. **Trabeation:** Posts or columns supporting beams with or without brackets, which in turn support either an additional floor level (for multi-story porches/balconies) or a full roof system based on rafters and/or purlins with decking and finish material. Posts shall be no narrower in any dimension than 3.5" or 1/20 of the unbraced post length, whichever is greater. The distance between posts shall be no wider than the total post height.
3. **Arcuation:** Encompassed by walls that are penetrated by arched openings bounded by either columns or piers. The ratio of column diameter [at lowest part of shaft] to column height shall be no less than 1:10 and no greater than 1:7. Width of piers at corners [abutments] shall be no less than 1/3 of the opening width; piers between multiple arched openings may be narrower.
4. **Rectilinear:** Bounded by square/rectangular piers framing rectilinear wall openings. If lintels are expressed on the facade, they shall extend over the piers by 4"-6" at each end. Piers shall be no narrower in any dimension than 15.5" or 1/6 of the opening width, whichever is greater. Piers at corners shall be wider than piers between openings.
5. **Fabric Shading:** Shaded by fabric elements such as awnings or stretched canvas, secured to the building structure, sheltered by Main Roof Form, supported by other building volumes.
 - a. Cantilevered balconies shall be secured architecturally to the wall below by brackets.
 - b. Bracket material shall be consistent with that of the balcony's floor structure.

H. Historic Preservation.

1. Additions to buildings with historic designation shall be identifiable from original construction. Additions shall employ similar or complementing materials and colors and shall exhibit similar opening proportions, facade rhythms and horizontal elements as the original.
2. Original transom windows shall be maintained or restored where possible. If the ceiling inside the structure has been lowered, the ceiling shall be stepped up to meet the transom so that light will penetrate building interior.
3. Deteriorated architectural features shall be repaired rather than replaced wherever possible. If replacement is necessary, new materials shall match the original in design, color, texture, and other visual qualities. If the original was painted, the substitute materials shall be painted as well.

I. Sustainability in Design.

New Section 14.66.280 Design Standards Applicable to All Multi-Family and Residential Mixed-Use Development

1. All new construction shall incorporate landscaping and fenestration to passively cool the building; energy-efficient HVAC; and energy efficient lighting.
2. All energy generation devices must blend in with the building color.
3. All on-site landscaping shall be drought-resistant and require minimal irrigation.

J. On-site landscaping.

1. Trees proposed within street-facing setbacks must be selected from the Los Altos Street Tree Planting List.
2. Trees planted on the south side of the building must be deciduous.
3. Species shall be selected and located according to direct sunlight needs.
4. Vegetation shall be installed along all exposed east and west facing walls.
5. Groundcovers shall be planted over a minimum 50 percent of landscaped areas to prevent ground reflection and keep surfaces cool.
6. When parking is tucked under a building, landscape planters must be provided to break up the continuous paving at the building's edge.

K. Screening.

1. Rooftop mechanical equipment must be screened from public view.
2. Barbed wire, chain-link, and razorwire are not permitted.

Content to be Added to 14.02.070 Definitions

“Board-formed concrete” means concrete that has textured patterns on its finished surfaces that retain the wood grain of boards or molds used to form the wet concrete.

“Chamfered corner” means a building corner which is cut back at a 45-degree diagonal from the primary façade to provide a corner surface at least 8 feet in length.

“Façade” means the exterior wall on any side of a building.

“Lined” parking refers to a building configuration where residential, commercial, or office uses are located between a street-facing property line and above-ground parking levels. Also referred to as a “wrapped” building.



Guido Persicone

From: Guido Persicone
Sent: Thursday, July 15, 2021 6:57 PM
To: Monica Szydlik; Drew
Subject: FW: Objective Design Standards

From: Jon Biggs <jbiggs@losaltosca.gov>
Sent: Thursday, July 15, 2021 4:35 PM
To: Guido Persicone <gpersicone@losaltosca.gov>; Jolie Houston <jolie.houston@berliner.com>
Subject: FW: Objective Design Standards

FYI

From: Neysa Fligor <nfligor@losaltosca.gov>
Sent: Thursday, July 15, 2021 1:43 PM
To: Jon Biggs <jbiggs@losaltosca.gov>
Cc: Brad Kilger <bkilger@losaltosca.gov>
Subject: Fw: Objective Design Standards

FYI.

Best,
Neysa

From: Mehruss Jon Ahi <mahi@losaltosca.gov>
Sent: Wednesday, July 14, 2021 9:35 AM
To: Neysa Fligor <nfligor@losaltosca.gov>
Subject: Objective Design Standards

Dear Mayor Fligor,

Hope you are doing well. I just realized that the Council discussed the Objective Standards last night with various new edits. I understand that some edits are to be expected with a document of this nature but I'm a little concerned about some of the late additions. I've listed them below, along with my opinion on it. Overall, I believe that there are too many subjective additions and also certain items that should not have been changed from the previous version.

1. Privacy and Line of Sight (Most Zones)

Comment: The new comments discuss creating an angled window at 30 degrees for bedroom windows, measured at the adjacent side setback line. As an architect, I believe that this would be subjective to require windows to be angled in such a way. Not only would you be losing square footage by angling the window out or in, but there wouldn't be an objective reason to make such a requirement. Instead, you could make the window opaque or make sure that windows are pushed farther in (more articulation), but to angle them at an arbitrary number seems odd. A slightly angled window would not help solve the privacy issue with an adjacent neighbor. It would simply just be a temporary solution.

2. Site Circulation and Access (CT)

Comment: For this section, it says that a “continuous bicycle/pedestrian only access shall be provided along the rear setback on all lots where development abuts an R-1 district to the rear”. I think that the word “continuous” might make things confusing because it is unclear if we would want a dedicated path in the rear that wraps to the front or just an accessible point. This may cause issues because we could possibly be requiring a continuous access in the entire rear setback when that’s not always possible for every project.

3. Upper Story Stepbacks (CT and CD-R3)

Comment: These sections had been changed from a building stepping back on the 5th Level or 4th Level to stepping back at 45’-0” or 35’-0”. I’m not sure who proposed this change, but having the stepback occur at an arbitrary height is not wise. There are 2 projects in particular (5150 El Camino and 4350 El Camino) where the top of the 4th Level actually occurred lower than 45’-0”. So essentially, we would be telling Developers to go up to 45’-0” and then step back, when in reality, they might have gone lower to begin with. My other concern is the fact that a CT Development may incorporate Ground Floor Commercial at some point and the height from ground level to the 4th Floor would be very different than a purely residential building so we cannot just incorporate a random height number to trigger the stepback. I feel very strongly that this should go back to Levels and not a Height Number.

4. Downtown Gateways Section

Comment: The entire Downtown Gateways Section is entirely too subjective for this document. Items such as “Special uses with outdoor plaza” and “Special landscape features” only add more confusion for development projects because they are not specific and not intentional. My understanding was that these standards were not supposed to include specific language for precise areas. It does not sit well with me because it feels like we are taking from our other documents (Downtown Design Guidelines, Downtown Vision, etc.) and trying to fit them into this, when all along, this was always about the objective design standards and not about any Gateway between Edith Avenue, State Street and San Antonio Road. The Planning Commission made sure to not include this in our analysis so this feels misplaced. I think it’s only a matter of time until this section gets taken out because of the confusion it will cause with Architects and Developers who are misunderstanding what each element really means.

Those were all the items I caught but I’m hoping that these can be figured out before the document gets passed. I’m available if you’d like to discuss any of these items more thoroughly or have any questions.

Thanks,
Mehruess Ahi

Mehruess Jon Ahi
Planning Commissioner
City of Los Altos
mahi@losaltosca.gov
(650) 208-1140

Corrections, inconsistencies, and questions regarding Objective Standards

(Compiled by Vice Mayor Enander and includes input from Council member Lee Eng and resident Jon Baer).

CONTENT / POLICY ISSUES

1. Inconsistent diagrams and descriptions regarding front setbacks

Goal: text and diagrams should be consistent within and between sections and with other height standards. They should be clear enough to avoid potential misinterpretation based on omissions or ambiguities.

- a. The objective height limits for CN, CD, CRS, CD/R3 (commercial/mixed-use) and CRS/OAD are all 30' (35' for all residential in CD/R3). What is the rationale for having the set-backs and roof form requirements referenced to that 30' for CD and CD/R3 but to "stories" for the others? If the assumption is that the third story will always intercept the height limit, why not use the height limit numerically and provide a reference line on all diagrams? Or simply require everything above 2 stories to be set back according to the requirements.
- b. If we stick with describing height in feet, then as CD/R3 is 30' for commercial or mixed use but 35' for all residential, it would be useful to add a dashed red line at 35' to the diagram below A.1.c.
- c. The CN, CRS, and CRS/OAD all give the option regarding third stories either to setback by a specific minimum number of feet or to embed in the roof form. CD and CD/R3 do NOT give an option to embed the third story in the text (compare the A.1.a for the various zones, except that for CN it is B.1.a.) but DO use the SAME diagrams as the other zones (CN, CRS, CRS/OAD), all of which (3rd from left) are captioned "3rd story embedded in a sloped roof form." If it is the intention that in CD and CD/R3, the standards would allow a third story to be embedded in a sloped roof form rather than set back, the text should be changed to read as it does for the other zones so as not to present an image that does not match text. Otherwise, the diagrams for CD and CD/R3 should be changed.
- d. It is unclear in the text for CD and CD/R3 that the requirement to step back the floor that intercepts that height limit requires the entire floor – to the floor plate – to be stepped back. The diagram implies as much, but the text is not explicit.
- e. It is implied via the diagrams, but not explicitly stated in the text, that any building over 3 stories must have the 3rd story stepped back AND have the

“uppermost” story set into one of the specific roof forms. Text should be explicit that both apply. Also, why not say 4th story (if we are sticking with stories?) rather than “uppermost.”

- f. There is nothing in text or diagrams to deal with the possibility of a 5-story building. Are we confident there can't be such? If there is, what setback is required on the 4th story?

2. Policy questions: What are we losing / gaining?

- a. A quick review of buildings approved in the CT and CD/R3 zone during the past 4-5 years shows that none would likely conform to the basic massing and articulation standards. This raises two issues: (1) are we losing some building styles or elements that we actually like? (2) should we create a legal carve-out for these recent buildings so that they do not become “legal non-conforming” but are excepted from those requirements?
- b. If all 4-story buildings have to have the 4th floor embedded in the sloping roof form, is the likely result to be a very high percentage of buildings with mansard roofs? Is this a desirable outcome of the standards?

3. Ground Floor Floor-to-Ceiling Height (CN, CRS, CT, CD/R3, CRS/OAD)

14.40.150.C.3.b (CN) - there is no requirement in the current code for the first floor to be 12' in CN as there are with other zones.

Why, therefore, is the same language and associated diagram included here as is found in the other zones that do have such a requirement? I thought we weren't changing/adding objective standards elsewhere. If this stands, it would be ambiguous or in conflict with 14.40.140.

- b. The converse applies to 14.44.130 (CD). The zoning code at 14.44.120 requires a minimum interior ceiling height of 12', but there is no similar language or diagram in the proposed 14.44.130 Design Control document.

c.

4. Building materials - definition of “primary”

- a. May need to adjust definitions to specify how glazed surfaces (fenestration) is included in the calculation. If determination of primary/secondary are

meant to be calculated on the façade net of fenestration, this should be specified.

5. Breaking up facades (example for CT at B.2.a. but found elsewhere)

- a. Requirement to break up facades of more than x length must be “defined by a recess a minimum of 3 feet deep.” Why is there no minimum width? It seems there should be a minimum as maximum for both primary and secondary to prevent “striped” buildings – or are all primary facades 50 feet by definition?

6. Deleted reference to landscaping on blank walls still on graphic

- a. Policy question: Why was the requirement to “enhance” blank walls deleted?
- b. If intentional, then at CD - 14.44.130.B.1. – old item c was deleted – the accompanying diagram that follows, primarily to portray transparency requirements, still has the text annotation of the now-deleted requirement (“Blank walls at the ground level must be enhanced with architectural details, landscaping...”). If deleting that was council direction, then the requirement should be removed from the graphic.
- c. Make same change in CRS, CT, CRS/OAD re: diagram. If text is restored, please note the text was also deleted in CD/R3 at B.1.c, although there was never a diagram. And for CRS, the wording was at the bottom of the page after B.1.b.vi. is apparently in an errant place.

7. 14.24.110 (R3-1) apparent inconsistency

- a. Is there some logic to having B.1.a, B.1.b, and B.2 reference requirements if facades are greater than 50 feet, but in B.3 the requirements apply if the façade is over 48 feet? Why aren’t all the same (either 48 or 50)?

EDITORIAL FIXES

8. Reference errors:

- a. 14.40.150 B.1.a change “Section A.7” to “Section B.7-There is no
- b. 14.54.130 A.1.b change “Section A.7” to “Section A.6”

9. Caption errors

- a. 14.44.130 (CD) A.1.a. required 10 foot upper-story step back. Caption on the diagram says 5 feet.

b. 4.52.110 (CD/R3) has the same error.

10. Window sill height

- a. CN B.6.b. - why "maximum" sill height? Should be "minimum"?
- b. Also in CRS, CT, CD/R3, CRS/OAD,

11. CN - C.4.a re: Interior Courtyard

- a. I think there's a pair of words reversed. It reads "...must be: Partially visible from the street and linked to the street by clear a circulation element." I think the words "clear" and "a" are reversed. I don't claim to know what this really means, however.

From: [Jon Biggs](#)
To: [Guido Persicone](#); [Monica Szydlak](#); [Drew](#)
Subject: FW: Objective Standards input
Date: Monday, July 26, 2021 3:36:08 PM

FYI - input from Councilmember Lee Eng.

Jon

-----Original Message-----

From: Lynette Lee Eng <lleeeng@losaltosca.gov>
Sent: Monday, July 26, 2021 12:10 PM
To: Jon Biggs <jbiggs@losaltosca.gov>
Cc: Gabriel Engeland <gengeland@losaltosca.gov>
Subject: Objective Standards input

Hi Jon,

Just wanted to follow up on the input you requested. Here are a few of my suggestions:

- Definitions - we need to make it easy to understand what we clearly mean. (E.g. - sloped roof, what we expect and does 1% slope mean a slope we are willing to accept or the other extreme (89%), both unacceptable) I believe we need to define the acceptable range.

We need to make sure that if we have things come before us on an appeal and can defend ourselves. Clearly describing how we measure and will look at things (e.g. - Finished height and width, and what we mean.)

- (pg. 8) - Trellis and landscaping - there should be a method to provide adequate lighting and maintenance.

- (p. 34) Replace the blank wall restriction.

- (p. 103) Clean up of the different heights mentioned.

-(p. 124) We need to break down each of the elements of Architectural integrity. The elements should be clearly articulated, defined, and made easy to understand to make it somewhat objective.

- Architectural Style - We are too vague. (E.g. - for downtown we should be clearly emphasizing the Downtown Building Guidelines)

- (p.78) Underground garages require a warning system and can only be waived if staff determines that due to the specifics of the location that it will not be required.

Thanks,
Lynette Lee Eng

From: [Neysa Fligor](#)
To: [Jon Biggs](#); [Guido Persicone](#)
Subject: 7/13/21 Objective Standards Notes/Comments
Date: Monday, August 2, 2021 8:12:05 AM

Hi Jon and Guido,

Here are the notes I made on the draft Objective Standards from our 7/13 meeting. I don't view these as substantive/material changes. I have not compared them to the discussion at the meeting so some of these may have already been addressed. Also, some of my comments apply to other sections that have similar language. Thanks.

General comments:

- Can we label the different diagrams?
- Can we add the code in the footer or header of each page so we know what code section we are reviewing? Kept flipping back/forth to see what section I was reviewing.
- I like the diagrams that have the check for acceptable and X for not acceptable

14.40.150 (CN)

-B1. Because it says "except El Camino Real" in a couple places, should we add a sentence that points the reader to where the requirements for El Camino are? For eg, please see [_____] for El Camino Requirements.

-B1a - should be B7 not A7

-B1a and 2a: Can we add "For three-story buildings. . ."

B2b - should it also say that the third story should be set back to align with the uppermost story?

B4b-I think its better to refer to section B7 instead of just saying roof form

B6 - The original wording was fine except for the 12 inches requirement. The new language also seems to be saying something different from what's crossed out.

B7 - Comment --Interesting re Fremont Avenue

C2c- Comment/Question-why deleted?

E1- Are there other acceptable types of siding materials? It says all siding must be wood, composite wood or cement fiberboard, but then excludes vinyl and aluminum. Its either we don't need to exclude vinyl/aluminum if only wood, etc are allowed, or we state everything is allowed except vinyl and aluminum.

E- why was this section on open space deleted? Can we reinstate?

14.48.130 (CRS)

B4- Does it matter if its non residential vs residential for the floor to floor ceiling height?

F5- assume those separate sections cover fast growing, etc

14.50.170 (CT)

H- Worded differently from a previous section that used the word Lined. Intentional?

14.52.110 (CD/R3)

B2f - I thought we talked about changing it to require 2 or more standards for the street facing entries.

14.54.130 (CRS/OAD)

-A1a and b - Should it be A6?

-B1 - Should it be 50 and not 25 foot module?

B1 - Change second "a" to "b"

-E - should be gateway, not gateways

Best,

Neysa

14.44.130 CD

-B3h - Comment/Question - why deleted?



MEMORANDUM

DATE: August 11, 2021

TO: City Council

FROM: Guido F. Persicone, Planning Manager
Jon Biggs, Community Development Director

SUBJECT: RESPONSE TO COMMENTS-OBJECTIVE STANDARDS PROJECT

Commentor: Mehruss Ahi, Architecture Designer¹

1. Privacy and Line of Sight (Most Zones)

Comment: The new comments discuss creating an angled window at 30 degrees for bedroom windows, measured at the adjacent side setback line. As an architect, I believe that this would be subjective to require windows to be angled in such a way. Not only would you be losing square footage by angling the window out or in, but there wouldn't be an objective reason to make such a requirement. Instead, you could make the window opaque or make sure that windows are pushed farther in (more articulation), but to angle them at an arbitrary number seems odd. A slightly angled window would not help solve the privacy issue with an adjacent neighbor. It would simply just be a temporary solution

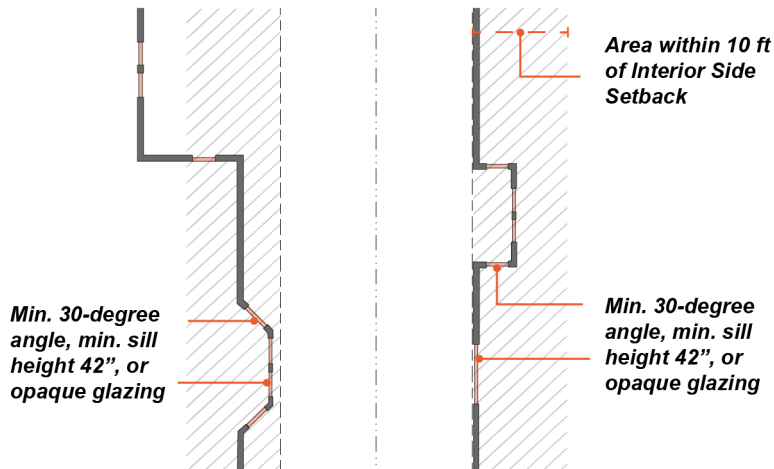
Staff/Consultant Response: The specific numerical value of the angle makes this an enforceable, objective standard. Requiring articulation would result in the same issue (loss of square footage). Per comment, an opaque window is a good option as well.

Recommended revised text:

- Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- Where windows are within 10 feet of and oriented toward an interior side setback, glazing shall either be a minimum 30-degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of 42 inches, or be opaque.
- The maximum sill height for an ingress/egress window is 44 inches from finished floor.

¹ Planning Commissioner Ahi is an architectural designer and he sent the city his personal comments. It is important to note these edits do not reflect the position of the Planning Commission, which recommended approval of the Objective Standards in January of 2021

A.



Commentor: **Mehruss Ahi, Architecture Designer**

2. Site Circulation and Access (CT)

Comment: For this section, it says that a “continuous bicycle/pedestrian only access shall be provided along the rear setback on all lots where development abuts an R-1 district to the rear”. I think that the word “continuous” might make things confusing because it is unclear if we would want a dedicated path in the rear that wraps to the front or just an accessible point. This may cause issues because we could possibly be requiring a continuous access in the entire rear setback when that’s not always possible for every project.

Staff/Consultant Response: The community expressed a desire that continuous pedestrian and bicycle access be developed over time along the rear of the CT district where parcels are deep and where the corridor abuts low-density residential. This is so that residents can comfortably access the new development from the rear/ away from El Camino Real.

Recommended edits:

CT: “Rear pedestrian/bicycle access shall be provided from any abutting right-of-way or alley for projects: (no edits to a and b)”.

CN: H.3 deleted.

Page: 40

I. Site Circulation and Access

1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
2. Bicycle racks shall be provided:
 - a. In or within 50 feet of every parking area; and
 - b. Within 20 feet of at least one building entrance.
3. Continuous bicycle/pedestrian-only access shall be provided along or within the rear setback:
 - a. On all lots with a depth of 250 feet or greater; and
 - b. On all lots where development abuts an R-1 district to the rear.

Commentor: Mehruss Ahi, Architecture Designer

3. Upper Story Stepbacks (CT and CD-R3)

Comment: These sections had been changed from a building stepping back on the 5th Level or 4th Level to stepping back at 45'-0" or 35'-0". I'm not sure who proposed this change but having the step back occur at an arbitrary height is not wise. There are 2 projects in particular (5150 El Camino and 4350 El Camino) where the top of the 4th Level actually occurred lower than 45'-0". So essentially, we would be telling Developers to go up to 45'-0" and then step back, when, they might have gone lower to begin with. My other concern is the fact that a CT Development may incorporate Ground Floor Commercial at some point and the height from ground level to the 4th Floor would be very different than a purely residential building so we cannot just incorporate a random height number to trigger the stepback. I feel very strongly that this should go back to Levels and not a Height Number.

Max Height allowed in the CT Zone: 45 Feet

Max Height allowed in the CD/R3 Zone: 30 feet-commercial/mixed use/35 feet-residential²

Pages: 40 (CT), 53 (CD/R3)

Staff/Consultant Response: CD and CD/R3 districts: As noted, this step-back was changed from being required at the 4th story to being required above the max base height (which is 30 or 35ft, depending on use). Diagrams in previous drafts indicated this intent by showing the stepped-back portion dotted-in above the base height limit. However, diagrams of previous drafts also showed 3 stories fitting within the base height limit, which is possible, but not typical. The revised standard addresses this fact and shows diagrams that more accurately reflect what will be built. In addition, the revised standard does still allow three stories with no required step-back, provided it does not exceed the base height limit

² CD/R3-No commercial or mixed-use structure shall exceed thirty (30) feet in height and no entirely residential structure shall exceed thirty-five (35) feet in height.

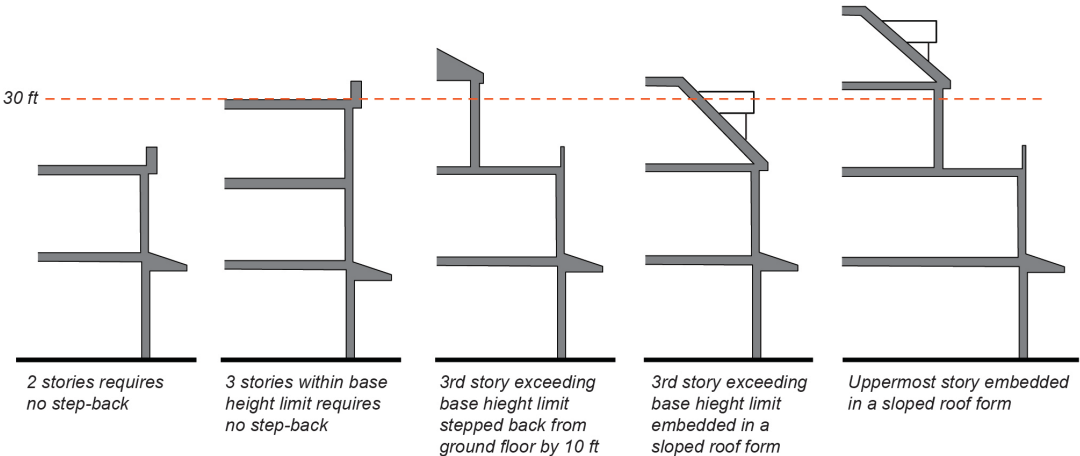
Revised 14.52.110 Design Control (CD/R3)

A. Building Massing and Articulation.

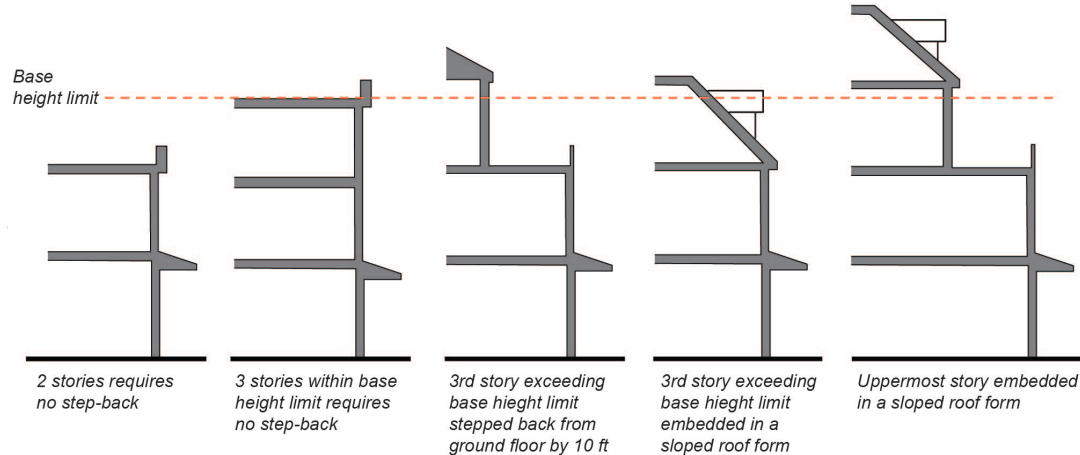
1. Upper-story Step-backs

- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- c. For buildings over three stories, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.6.

CD:



CD/R3:



Revised 14.50.170 Design Control (CT)

- A. Building Placement.** A minimum 75 percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.**
1. **Upper-story Step-backs.**
 - a. *Front:* Minimum 10 feet from ground floor façade above 45 feet in height.
 - b. *Street Side:* Minimum 10 feet from ground floor façade above 45 feet in height.
 2. **Vertical Articulation**

Staff/Consultant Response: CT district: Same logic as above but with 5th story / 45 ft base height limit. No edits recommended.

Commentor: Mehruss Ahi, Architecture Designer

4. Comment: The entire Downtown Gateways Section is entirely too subjective for this document. Items such as “Special uses with outdoor plaza” and “Special landscape features” only add more confusion for development projects because they are not specific and not intentional. My understanding was that these standards were not supposed to include specific language for precise areas. It does not sit well with me because it feels like we are taking from our other documents (Downtown Design Guidelines, Downtown Vision, etc.) and trying to fit them into this, when all along, this was always about the objective design standards and not about any Gateway between Edith Avenue, State Street and San Antonio Road. The Planning Commission made sure to not include this in our analysis so this feels misplaced. I think it’s only a matter of time until this section gets taken out because of the confusion it will cause with Architects and Developers who are misunderstanding what each element really means.

Staff/Consultant Response: Recommended edit:

1. Building design at gateway intersection shall include:
 - a. Façade lighting; and
 - b. Overhangs or sloped roof forms.
2. Ground-floor design at gateway intersections must address both street frontages through:
 - a. Entrances that are visible and directly accessible from both streets;
 - b. Building transparency beyond the required minimum for the first 15 feet of building frontage from the corner;
 - c. Landscaped area with a minimum dimension of six feet; and
 - d. A usable public space with pedestrian-scaled features.

- E. **Downtown Gateways.** A **downtown gateway** is located at the intersection of Foothill Expressway at Main Street.
1. A minimum two elements from the following list must be incorporated into corner building design at gateway intersections:
 - a. Sloped roof structures
 - b. Special uses with outdoor plaza
 - c. Special landscape features
 - d. Enhanced on-site lighting
 - e. Increased architectural details
 2. Ground-floor design at gateway intersections must address both street frontages through:
 - a. Entrances that are visible and directly accessible from both streets
 - b. Building transparency beyond the required minimum for the first 15 feet of building frontage from the corner
 - c. A usable public space with pedestrian-scaled features on the non-entrance street.

Commentor: Councilmember: Councilmember Lee Eng/Vice Chair Vice Chair Enander

5. Comment: A quick review of buildings approved in the CT and CD/R3 zone during the past 4-5 years shows that none would likely conform to the basic massing and articulation standards. This raises two issues: (1) are we losing some building styles or elements that we actually like? (2) should we create a legal carve-out for these recent buildings so that they do not become “legal non-conforming” but are excepted from those requirements?

Staff/Comment Response: The objective standards under consideration are the product of community input, feedback from decision makers, stakeholders, public comment made at planning commission meeting, Planning Commissioner input, and a review of the various regulations and policy documents, and various existing buildings that are currently in place. These standards are an effort to synthesize all of this information and input and it is an effort to bring together the best of what was learned.

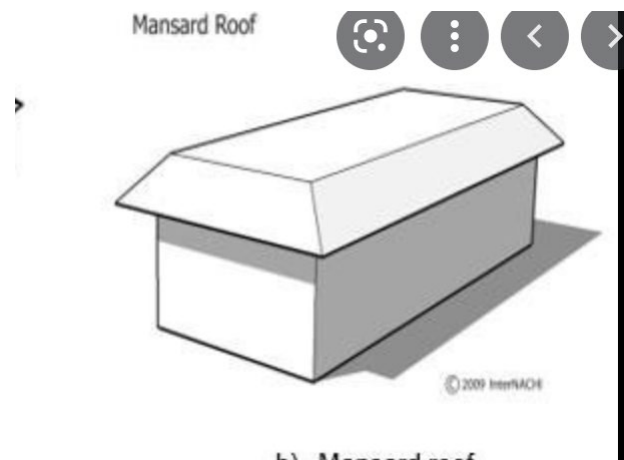
The subjective and objective design review processes are two different types of reviews that are used to evaluate the design of a project. In the subjective, the discretion of the decision makers weighs heavily in the final decision of a project whereas in the objective design review process, a project’s design is measured against a set of standards. If there are certain building styles or elements that members of the City Council believe are missing or need to be addressed, these should be brought up and explained along with potential language modifications to the code that will achieve the desired project design.

In terms of nonconformity, this has been discussed previously at other city council meetings and the initial direction provided by the Council was that if more than 50% of the existing floor area or any façade of a building not approved through the objective design standards process, then the entire building would have to be brought into compliance with the adopted objective standards.

Commentor: Councilmember Lee Eng/Vice Chair Enander

6. Comment: If all 4-story buildings have to have the 4th floor embedded in the sloping roof form, is the likely result to be a very high percentage of buildings with mansard roofs³? Is this a desirable outcome of the standards?

Staff/Consultant Response: Not necessarily. This standard is meant to apply in instances where a qualifying project uses State Density Bonus Law to exceed the maximum allowed height set by the base zone. The top-floor standard has been included to minimize the perceived height of buildings that exceed the maximum height allowed by the base zone and can be accommodated by gable and hipped roof forms with a variety of dormers that help to break up the roof expanse and provide useable floor space. If mansard roofs are not desirable, the code could be modified to prohibit them.



Commentor: Councilmember Lee Eng/Vice Chair Enander

7. Comment: there is no requirement in the current code for the first floor to be 12' in CN as there are with other zones. Why, therefore, is the same language and associated diagram included here as is found in the other zones that do have such a requirement? I thought we weren't changing/adding objective standards elsewhere. If this stand, it would be ambiguous or in conflict with 14.40.140.

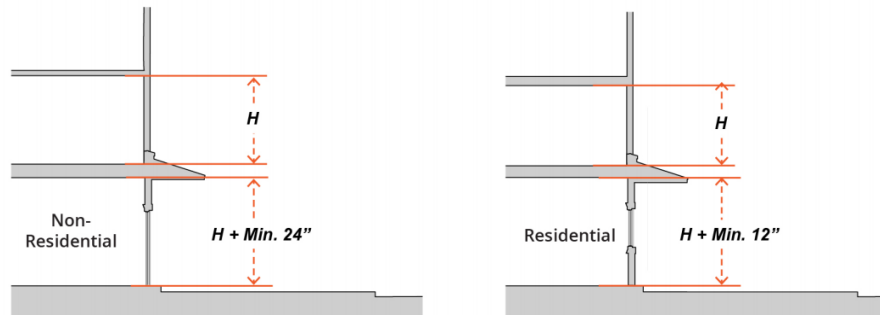
Staff/Consultant Response: This standard is independent of any existing height standards – instead, it is intended to provide a hierarchy relationship between the ground floor and the upper floors. It is up the architect and developer to develop a plan that complies with this standard in addition to complying with the height limit.

14.40.140 - Height of structures (CN).

No structure shall exceed thirty (30) feet in height.

³ A mansard or mansard roof is a four-sided gambrel-style hip roof characterized by two slopes on each of its sides with the lower slope, punctured by dormer windows, at a steeper angle than the upper.

3. **Ground Floor Floor-to-Ceiling Height.**
- Minimum 24 inches taller than typical upper floor floor-to-ceiling height where **ground floor** is non-residential.
 - Minimum 12 inches taller than typical upper floor floor-to-ceiling height where **ground floor** is residential.



Commentor: Councilmember Lee Eng/Vice Chair Enander

8. Comment: The converse applies to 14.44.130 (CD). The zoning code at 14.44.120 requires a minimum interior ceiling height of 12', but there is no similar language or diagram in the proposed 14.44.130 Design Control document.

Staff/Consultant Response: Currently in the CD section of the code a max height of 30 feet is listed with an additional caveat that the minimum interior ceiling height of 12 feet be included to accommodate retail uses. The commentor is correct that the requirement for additional ceiling height is not included in the draft objective standards. Agreed, this should be included in the CD. Documents edited accordingly.

14.44.120 - Height of structures (CD).

No commercial or mixed-use structure shall exceed thirty (30) feet in height. The first story shall have a minimum interior ceiling height of twelve (12) feet to accommodate retail use, and the floor level of the first story shall be no more than one foot above sidewalk level.

Commentor: Councilmember Lee Eng/Vice Chair Enander

9. Comment: Does using upper floor heights as the reference by which first floor heights are determined allow for any undesirable consequences?

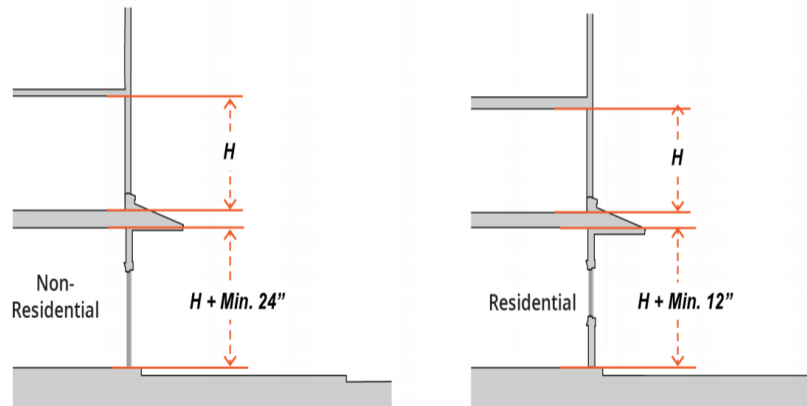
Staff Response: I think the commentor is asking the following question:

“If we mandate that the first floor be 24 inches taller than a normal “floor” per the objective zoning standards, are we inadvertently creating a scenario by which developers would be able to automatically get increased height for a building?” No, an applicant would still have to make the case for getting a density bonus concession or waiver by the specific legal thresholds identified in Density Bonus Law.

elements are exempted.

3. **Ground Floor Floor-to-Ceiling Height.**

- a. Minimum 24 inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
- b. Minimum 12 inches taller than typical upper floor floor-to-ceiling where ground floor is residential.



4. **Interior Courtyard.** Interior courtyards must be:

- a. Partially visible from the street and linked to the street by clear a circulation element.

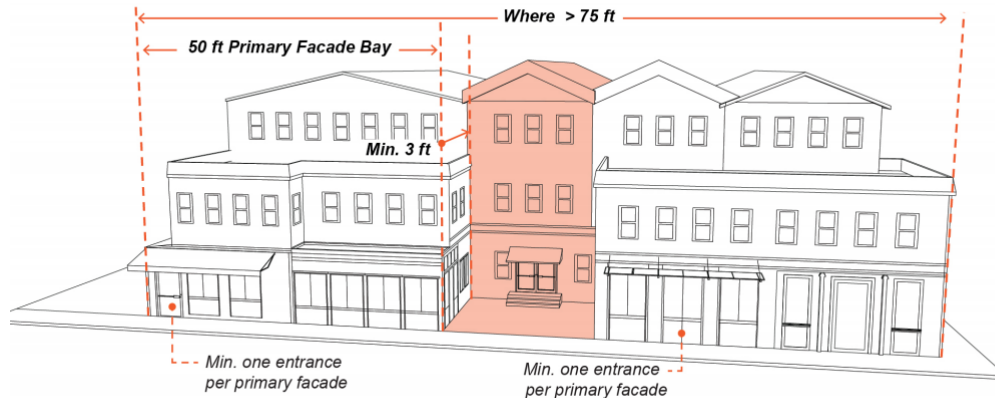
Commentor: Councilmember Lee Eng/Vice Chair Enander

10. Comment: Building materials – definition of “primary” May need to adjust definitions to specify how glazed surfaces (fenestration) is included in the calculation. If determination of primary/secondary are meant to be calculated on the façade net of fenestration, this should be specified.

Staff Response: There are a few very good questions within this comment. First is the definition of what is considered the “primary” or “front”? This is actually codified already in the Los Altos Zoning Code, and it should not be changed as part of this process because it clearly defines the front lot line.

"Front lot line" means, on an interior lot, the lot line abutting a street, or, on a corner lot, the shortest dimension of the lot fronting the street, or, on a double frontage lot, the lot line abutting the street providing the primary means of access to the lot, or, on a flag lot, the interior lot line most parallel to and nearest the street from which the means of access is obtained, except that where the average width of a flag lot exceeds its average depth and the longer dimension is considered the depth, the front lot line will be the property line from which the front yard is measured. On a corner lot, if

more than one property line abutting on a street can be designated as a front lot line without creating a nonconforming lot or structure, then either property line may be deemed the front lot line⁴.



The second part of the comment really speaks to what is the “front façade” but even this is clearly articulated in the draft Objective Standards document meaning the primary architectural element of the building and is generally shown in lineal feet.

Recommended edits to Building materials standards:

- Primary shall mean 50 percent or more of a façade surface area excluding transparent surfaces. The following primary cladding materials are allowed:
- Secondary shall mean less than 50 percent of a façade surface area excluding transparent surfaces. The following secondary cladding materials are allowed:

Recommended edits to Definitions:

- “Façade” means the exterior wall on any side of a building.

Commentor: Councilmember Lee Eng/Vice Chair Enander

11. Comment: Breaking up facades (example for CT at B.2.a. but found elsewhere). Requirement to break up facades of more than x length must be “defined by a recess a minimum of 3 feet deep.” Why is there no minimum width? It seems there should be a minimum as maximum for both primary and secondary to prevent “striped” buildings – or are all primary facades 50 feet by definition?

Staff/Consultant Response: City staff and the consultant are unclear about this comment because the CT design controls and the diagram within the document clearly articulate that after 50 feet the architect will be required to break up the massing with a three (3) foot recess. Width is not specified because the articulation can simply be a change in plane.

⁴ This section is from the Definitions sections of the Zoning Ordinance (see 14.02.070)

b. Street level minimum 10 feet from ground floor façade above 10 feet in height.

2. **Vertical Articulation.**

- a. When a building façade exceeds 100 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.
- b. A minimum one entrance shall be provided per 150 linear feet along El Camino Real and per primary façade bay along all other rights-of-way.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



Commentor: Councilmember Lee Eng/Vice Chair Enander

12. Comment: Why was the requirement to “enhance” blank walls deleted? If intentional, then at CD - 14.44.130.B.1. – old item c was deleted – the accompanying diagram that follows, primarily to portray transparency requirements, still has the text annotation of the now-deleted requirement (“Blank walls at the ground level must be enhanced with architectural details, landscaping...”). If deleting that was council direction, then the requirement should be removed from the graphic⁵.

Staff Response: This was not deleted, only moved to accommodate other changes requested. See B.1.A.iv.

⁵ CD Design Controls, page 19 of the document.

B. Building Design.

1. Façade Design.

- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 50-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.

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- iv. Non-glazed wall areas (**blank** walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

Commentor: Councilmember Lee Eng-Vice Chair Enander

13. Comment: Make same change in CRS, CT, CRS/OAD re: diagram.

13a-If text is restored, please note the text was also deleted in CD/R3 at B.1.c, although there was never a diagram.

Staff Response: Once again, city staff are unclear about this comment because within the CD/R3 design controls blank walls must show some architectural details and/ landscaping.⁶

⁶ See page 58 of the document for further details.

B. Building Design.

1. Façade Design.

- a. Building facades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum 50-foot module along all street frontages through the use of the following techniques:
 - i. Building facades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
 - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - iii. Residential facades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
 - iv. Non-glazed wall areas (**blank** walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

13b. Comment: And for CRS, the wording was at the bottom of the page after B.1.b.vi. is apparently in an errant place.

Staff Response: **Noted. This will be changed.**

- iv. Non-glazed wall areas (**blank** walls) at the ground level must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- b. At least two of the following strategies must be used in a manner that reinforces the maximum 25-foot module:
 - i. Change in roof parapet height or shape
 - ii. Change in roof style
 - iii. Change in architectural style
 - iv. Change in building height, minimum 8-foot difference
 - v. Change in frontage type or change in details of Shopfront frontage type if used
 - vi. Use of upper floor projections such as bay windows or balconies.

Commentor: Councilmember Lee Eng/Vice Chair Enander

14. Comment: Is there some logic to having B.1.a, B.1.b, and B.2 reference requirements if facades are greater than 50 feet, but in B.3 the requirements apply if the façade is over 48 feet? Why aren't all the same (either 48 or 50)?

Staff/Consultant Response: **One section refers to the need of a step-back for buildings four stories and above. The other specifically refers to projects immediately adjacent to R-1 properties. In the case of the R-1 design standards, greater protections are given to single-family properties in the R-1 zone. For simplicity's sake the standards can be modified to 50 feet but this is a policy decision for the full City Council.**

Revised 14.24.110 Design Control (R3-1)

- A. Building Placement.** A minimum 85 percent of the building frontage must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.**
1. **Upper-story Step-backs.**
 - a. *Front:* Minimum 5 feet from ground floor façade for fourth story and above for building facades 50 feet or greater in width.
 - b. *Street Side:* Minimum 5 feet from ground floor façade for fourth story and above for building facades 50 feet or greater in width.
 - c. *Interior Side and Rear Abutting an R-1 District:* Minimum 5 feet from ground floor façade for fourth story and above.
 - d. For buildings exceeding the height limit established in the applicable base and overlay zone, the right-of-way-facing facades of the uppermost floor must be embedded in a sloped roof form as allowed by Subsection 5.
 2. **Vertical Articulation.** When a building façade exceeds 50 feet in length along a right of way, it must be separated into primary façade bays no greater than 50 feet and secondary façade bays defined by a recess a minimum of 3 feet deep.



3. **R-1 Adjacencies.**
 - a. Building façade planes abutting an R-1 district may not exceed 48 feet in width.
 - b. When a building façade abutting an R-1 district exceeds 48 feet in width, it must be separated into façade bays no greater than 48 feet by a recess 5 feet wide and 5 feet deep.

Commentor: Councilmember Lee Eng/Vice Chair Enander
Comment: EDITORIAL FIXES

15. Reference errors:

- a. 14.40.150 B.1.a change “Section A.7” to “Section B.7- Edited to refer to Section 14.40.150.B.7.
- b. 14.54.130 A.1.b change “Section A.7” to “Section A.6”- Edited to refer to Section 14.54.130.A.6.

All references throughout the document have been changed to refer to the complete section number.

Commentor: Councilmember Lee Eng/Vice Chair Enander

16. Caption errors

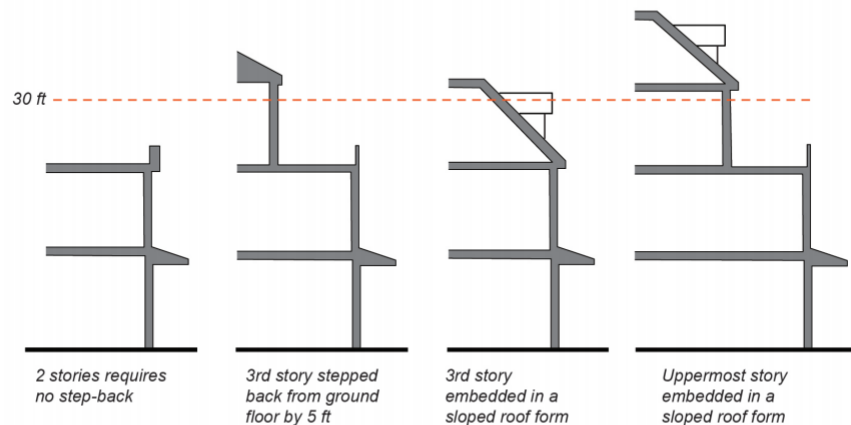
- a. 14.44.130 (CD) A.1.a. required 10 foot upper-story step back. Caption on the diagram says 5 feet- **Noted and corrected.**

Revised 14.44.130 Design Control (CD)

A. Building Massing and Articulation.

1. Upper-story Step-backs.

- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height.



- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height.
- c. For buildings over three stories in height, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.6.

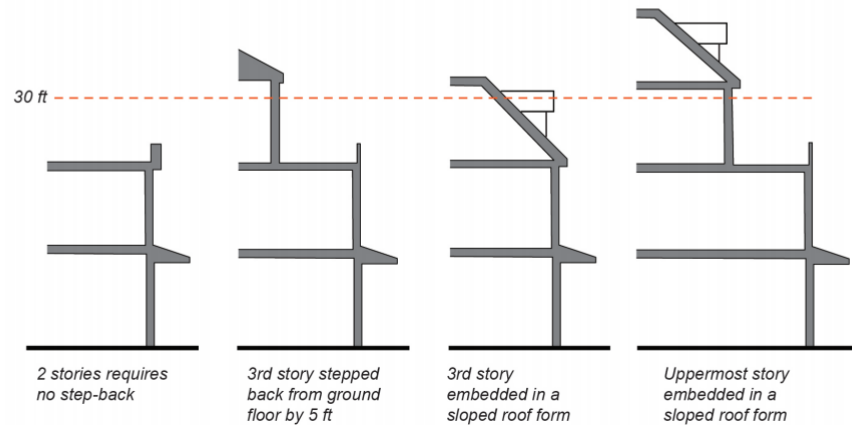
- b. 14.52.110 (CD/R3) has the same error- **Noted and corrected**

Revised 14.52.110 Design Control (CD/R3)

A. Building Massing and Articulation.

1. Upper-story Step-backs

- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height (commercial or mixed use) or 35 feet (residential only).
- c. For buildings over three stories, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.6.



Commentor: Councilmember Lee Eng/Vice Chair Enander

17-Window sill height

- a. CN B.6.b. – why “maximum” sill height? Should be “minimum”?
- b. Also in CRS, CT, CD/R3, CRS/OA

Staff Response: Per the Chief Building Official- the maximum sill height for an ingress/egress window is 44 inches. This verbiage should be changed throughout the entire document. See recommended edits on page 1 of this Memo.

18-CN – C.4.a re: Interior Courtyard

- a. I think there’s a pair of words reversed. It reads “...must be: Partially visible from the street and linked to the street by clear a circulation element.” I think the words “clear” and “a” are reversed. I don’t claim to know what this really means, however.

Staff Response: Agreed. The verbiage needs to be clearer and the phrase “circulation element” needs to be removed and replaced with the words “by a clear accessible path of travel.. Noted and corrected throughout document.

4. **Interior Courtyard.** Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by clear a circulation element.
 - b. Enclosed on at least two sides by buildings
 - c. Open to the sky (arbors and trellises are allowed)
 - d. A minimum width of 20 feet and a minimum area of 400 square feet.

Commentor: Councilmember Lee Eng/Vice Chair Enander

19. CONTENT / POLICY ISSUES

Goal: text and diagrams should be consistent within and between sections and with other height standards. They should be clear enough to avoid potential misinterpretation based on omissions or ambiguities.

- a. The objective height limits for CN, CD, CRS, CD/R3 (commercial/mixed-use) and CRS/OAD are all 30' (35' for all residential in CD/R3). What is the rationale for having the set-backs and roof form requirements referenced to that 30' for CD and CD/R3 but to "stories" for the others? If the assumption is that the third story will always intercept the height limit, why not use the height limit numerically and provide a reference line on all diagrams? Or simply require everything above 2 stories to be set back according to the requirements.

Staff Response: This is the same question as item #3 above. A little more background on this:

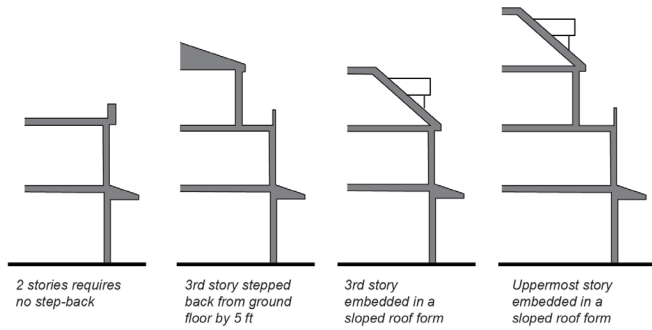
The reason we went with stories for CN, CRS and CRS/OAD was based on the directive to "match existing conditions in downtown," which was a directive provided to us by City Council. Our audit of existing conditions in those zones demonstrated that most buildings top out at 2 stories in CN, CRS and CRS/OAD. There are some exceptions, but generally those were the maximum number of stories we observed. So, in order to match those conditions, the standards for those zones were denominated in number of stories, regardless of height.

In the CD and CD/R3, however, there was less consistency in existing conditions. In these districts, the Commission and Council expressed a preference for setbacks required above the base height limit only (which is 30 or 35ft, based on use). As discussed in response to item #3 above, diagrams in previous drafts indicated this intent by showing the stepped-back portion dotted-in, above the base height limit.

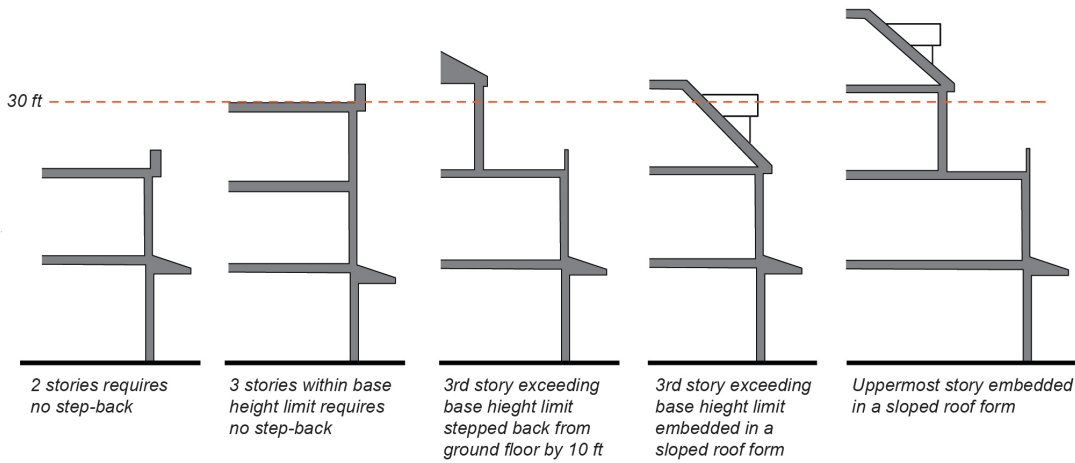
The concerns are that specifying a step-back at the 4th story would allow a situation where a height concession permits a tall 3-story building to exceed the base height limit at the street frontage. By specifying that anything above the base height limit must be stepped back, a tall third story above base height limit must still be stepped back (or sloped).

In addition, the revised standard does still allow three stories with no required step-back, provided it does not exceed the base height limit.

CN zone:

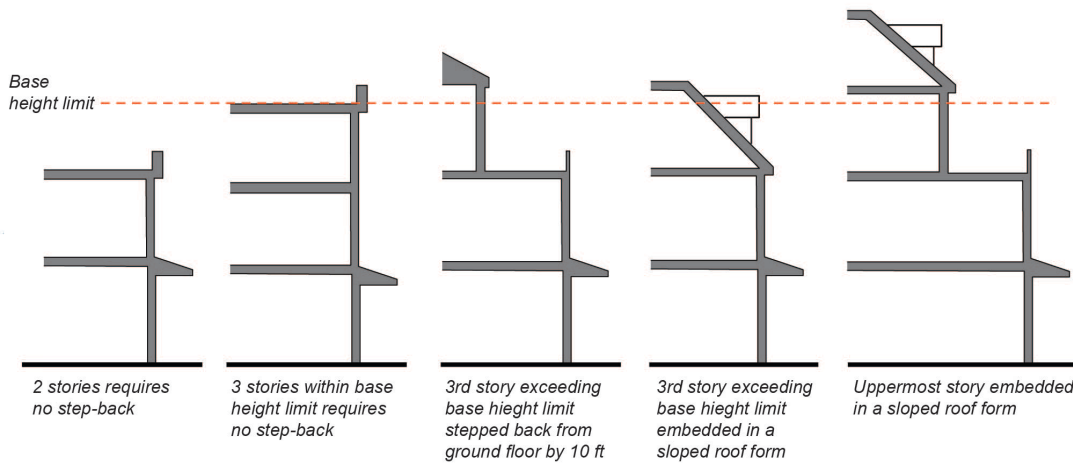


CD zone:



CD/R3 zone:

- b. If we stick with describing height in feet, then as CD/R3 is 30' for commercial or mixed use but 35' for all residential, it would be useful to add a dashed red line at 35' to the diagram



below A.1.c.

Staff Response: Yes, this would be very helpful for staff. Noted; LWC will update CD/R3 diagram dotted line to say “base height limit.”

- c. The CN, CRS, and CRS/OAD all give the option regarding third stories either to setback by a specific minimum number of feet or to embed in the roof form. CD and CD/R3 do NOT give an option to embed the third story in the text (compare the A.1.a for the various zones, except that for CN it is B.1.a.) but DO use the SAME diagrams as the other zones (CN, CRS, CRS/OAD), all of which (3rd from left) are captioned “3rd story embedded in a sloped roof form.” If it is the intention that in CD and CD/R3, the standards would allow a third story to be embedded in a sloped roof form rather than set back, the text should be changed to read as it does for the other zones so as not to present an image that does not match text. Otherwise, the diagrams for CD and CD/R3 should be changed.

Staff Response: Text clarified to match diagrams.

- c. It is unclear in the text for CD and CD/R3 that the requirement to step back the floor that intercepts that height limit requires the entire floor – to the floor plate – to be stepped back. The diagram implies as much, but the text is not explicit.

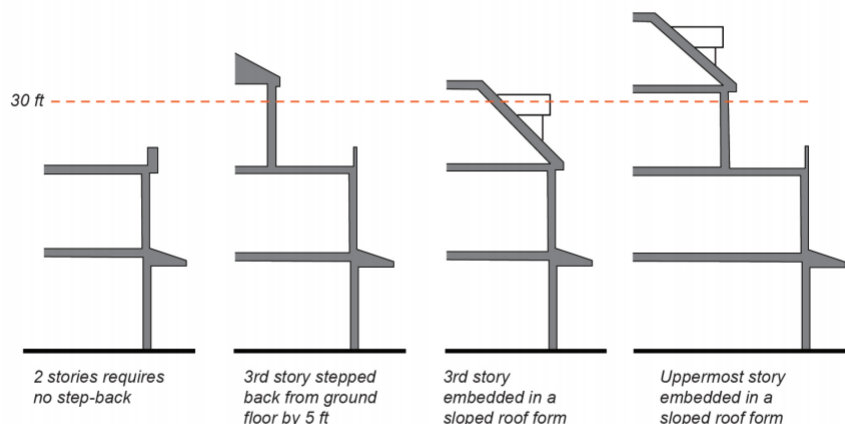
Staff Response: Agreed. Although the diagram is clear and is understood by staff as to its intent the City Council can determine additional or modified language would be beneficial. Also, note that a building where a floor intercepts a height limit may or may not be considered to exceed the height limit. That is determined per Sec. 14.66.230 - Height limitations—Measurement.

Revised 14.44.130 Design Control (CD)

A. Building Massing and Articulation.

1. Upper-story Step-backs.

- a. *Front:* Minimum 10 feet from ground floor façade above 30 feet in height.



- b. *Street Side:* Minimum 10 feet from ground floor façade above 30 feet in height.
- c. For buildings over three stories in height, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.6.

- d. It is implied via the diagrams, but not explicitly stated in the text, that any building over 3 stories must have the 3rd story stepped back AND have the “uppermost” story set into one of the specific roof forms. Text should be explicit that both apply. Also, why not say 4th story (if we are sticking with stories?) rather than “uppermost.”

Staff Response: A proposed building above the base height limit must be stepped back. This makes sense from a staff perspective, and it does not feel a modification is needed.

- e. There is nothing in text or diagrams to deal with the possibility of a 5-story building. Are we confident there can't be such? If there is, what setback is required on the 4th story?

Staff Response: Same comment as above. “Uppermost story” may, in fact, refer to a 5th story if height concessions are granted.

20. Additional Edits from Councilmember Lee-Eng

- a. Definitions - we need to make it easy to understand what we clearly mean. (E.g. - sloped roof, what we expect and does 1% slope mean a slope we are willing to accept or the other extreme (89%), both unacceptable) I believe we need to define the acceptable range.

Staff Response: What is considered a mansard, hipped or sloped roof are very well defined in architecture circles so staff are not recommending any change at this time but if the entire City Council wants to add a definition for what kind of sloped roof is acceptable this can be inserted into the definitions section of the code. Additionally, per Sec. 14.66.230 - Height limitations—Measurement: A mansard roof is defined as any roof element with a slope of sixty (60) degrees or greater.

1. **Upper-story Step-backs, Front and Street Side**

- a. Along all frontages except El Camino Real, the third story must be either stepped back a minimum 5 feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.7.

- b. We need to make sure that if we have things come before us on an appeal and can defend ourselves. Clearly describing how we measure and will look at things (e.g. - Finished height and width, and what we mean.)

- c. **Staff Response.** Agreed. The Los Altos Municipal Code's provides the standards used to determine the height of a building. See Section 14.66.230 below for the exact verbiage:

The vertical dimension shall be measured from the average elevation of the finished lot grade at the front, rear, or side of the building, whichever has the greater height, to the highest point of the roof deck of the top story in the case of a flat roof or a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof. A mansard roof is defined as any roof element with a slope of sixty (60) degrees or greater.

- d. (pg. 8) - Trellis and landscaping - there should be a method to provide adequate lighting and maintenance.

Staff Response: Adequate light and maintenance of buildings are covered under the Building Code and through the enforcement of the City's Code Enforcement Division.

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e. (p. 34) Replace the blank wall restriction.

Staff Response: see the staff response to comment #12 and #13 above

f. (p. 103) Cleanup of the different heights mentioned.

Staff Response: see the staff response to comment #19 above

g. (p. 124) We need to break down each of the elements of Architectural integrity. The elements should be clearly articulated, defined, and made easy to understand to make it somewhat objective.

Staff Response: Agreed. See below.

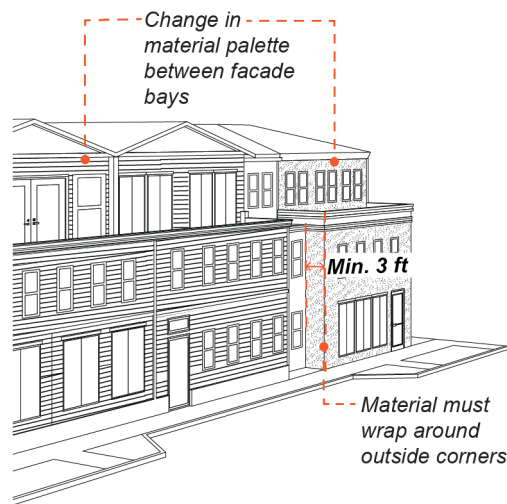
Architectural Style - We are too vague. (E.g. - for downtown we should be clearly emphasizing the Downtown Building Guidelines)

Staff Response: As noted earlier, there are many elements that went into the development of the objective standards. It is important to note that these are standards that apply to the design of a building, and they do not necessarily emphasize one particular architectural style over another and attempt to do so in a way that includes specifics to numerous elements that in combination define the overall design of a building. The goal is to have a consistent palette of materials and architectural elements across a building. A building based upon the Objective Standards will have “Architectural Integrity,” and will not rely on the somewhat subjective criteria that is used to define the architectural style of a building. City staff are recommending the following the materials standards in each zone:

1. Material palette on all floors above the ground floor, not including floors contained within a sloped roof form, must be consistent.

2. Change in material may occur only at the inside corner of a change in wall plane. Material must wrap around outside corners.

Also, to be consistent in avoiding reference to architectural styles, in the Building Design/Façade design standards in the CD, CRS, CD/R3, CRS/OAD and R3-1 districts, Building “Change in architectural style” has been edited to “change in material palette.”



h. (p.78) Underground garages require a warning system and can only be waived if staff determines that due to the specifics of the location that it will not be required.

Staff Response: This is addressed through other City processes and reviews and is not an element appropriate to include in the objective design standards..

Commentor: Mayor Fligor

Comment 21-General comments:

a. Can we label the different diagrams?

Staff Response: Yes. We could label the diagrams Figure 1, Figure 2, and so on for quick reference?

b. Can we add the code in the footer or header of each page so we know what code section we are reviewing? Kept flipping back/forth to see what section I was reviewing.

Staff Response: Added.

-I like the diagrams that have the check for acceptable and X for not acceptable.

Staff Response: Noted.

Commentor: Mayor Fligor

Comment 22-Comment: 2214.40.150 (CN)

22a. B1. Because it says "except El Camino Real" in a couple places, should we add a sentence that points the reader to where the requirements for El Camino are? For eg, please see [_____] for El Camino Requirements.

Staff Response: Besides the standard 25 foot front yard setback, there are no building step-back standards for El Camino Real. Direction from Commission was that this standard should not apply along this roadway.

Revised 14.40.150 Design Control (CN)

- A. Building Placement.** A minimum 75 percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.**
 - 1. **Upper-story Step-backs, Front and Street Side**
 - a. Along all frontages except El Camino Real, the third story must be either stepped back a minimum 5 feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section A.7.
 - b. For buildings over three stories along all frontages except El Camino Real, the uppermost story must be embedded in a sloped roof form.

Comment 22b.

B1a - should be B7 not A7

Staff Response: Yes, this should be modified.

Comment 22c

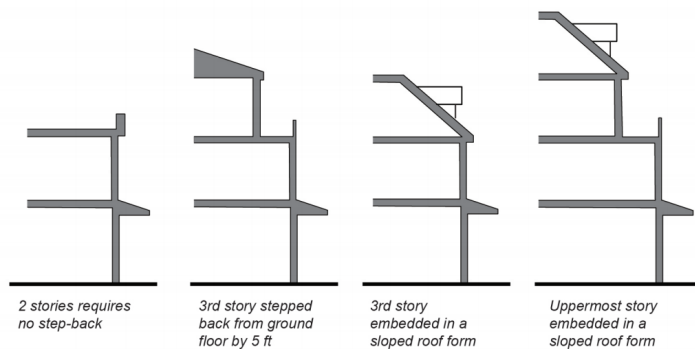
Staff Response: See staff response below.

Comment 22B1a and 2a: Can we add "For three-story buildings. . ."

Comment 22d

Staff Response: See staff response below.

- 2. **Upper Story Step-backs, Side Interior and Rear where Abutting R-1 District.**



- a. The third story must be either stepped back a minimum 10 feet from ground floor façade or embedded in a sloped roof form.
- b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form.

Staff Response: For comments 22c and 22d, there has been a lot of input on these diagrams from the City Council, staff will raise this a a key discussion point at the meeting so that the City Council. Can provide its collective direction on how best to address this

Comment 22e-

B4b-I think it's better to refer to section B7 instead of just saying roof form

Staff Response: Agreed, references replaced.

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- b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other roof form. These elements shall be consistent with the overall architectural style of the building mass/bay.

Comment 22f-

B6 - The original wording was fine except for the 12 inches requirement. The new language also seems to be saying something different from what's crossed out.

Staff Response: This change was in response to concerns about how the standard was previously framed and a desire to avoid a standard that is based on placement of windows in other (neighboring) projects. See comment 1 on page 1 of this memo for further detail.

Comment 22g-B7 - Comment --Interesting re Fremont Avenue

Staff Response: The Mayor commented “interesting.” Please indicate if you would like City staff to follow up on a specific edit or comment.

7. **Roofline and Roof Design.**

- a. Roof designs shall be limited to:
- i. Hipped
 - ii. Gable
 - iii. Shed
 - iv. Dormer
 - v. Parapet
 - (a) Not allowed on frontages facing Fremont Avenue.
 - (b) When used on the first or second floor, a parapet longer than 25 feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps
 - (2) Curves
 - (3) Angled surfaces

Comment 22h-

C2c- Comment/Question-why deleted?

Staff Response: Re-inserted - . “Ground floor residential units facing a street must provide individual entries along the street frontage” and is now, applied to the CN, CD, CT, CD/R3, and R3-1 districts.

Comment 22i

E1- Are there other acceptable types of siding materials? It says all siding must be wood, composite wood or cement fiberboard, but then excludes vinyl and aluminum. Its either we don't need to exclude vinyl/aluminum if only wood, etc are allowed, or we state everything is allowed except vinyl

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and aluminum.

Staff Response: This is to emphasize that vinyl and aluminum are not allowed/permitted. Feedback from the Planning Commission during its review of the objective standards indicated a desire to make this explicit and the proposed language reflects their recommendation.

E. Building Materials.

1. Primary shall mean 50 percent or more of a façade surface area. The following primary cladding materials are allowed:
 - a. Stucco (minimum 2-coat stucco; synthetic stucco or EIFS not allowed)
 - b. Siding (lap, vertical, panelized, or shingle)
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum not permitted.
 - c. Stone
 - d. Brick

Comment 22(j) - E- why was this section on open space deleted? Can we reinstate?

Staff Response: The standard stated “Where any required front, rear, or side yard setback is 10 feet or greater, on-site ground-level open space shall be provided within the setback. The comment points out that this was removed from the CD district. This is because in the CD district the only setback that is 10 feet or greater is the rear yard setback; thus, it seemed appropriate, given the direction, that this language only apply to the rear setback.

Commentor: Mayor Fligor

Comment 23.

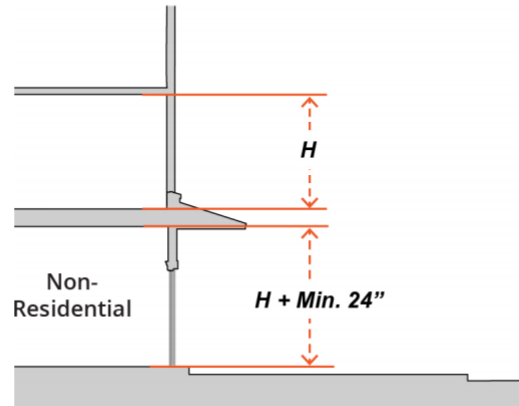
14.48.130 (CRS)

23a. B4- Does it matter if its nonresidential vs residential for the floor-to-floor ceiling height?

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elements are exempted.

- g. **Ground Floor Floor-to-Ceiling Height.** Minimum 24 inches taller than typical upper floor floor-to-ceiling height.



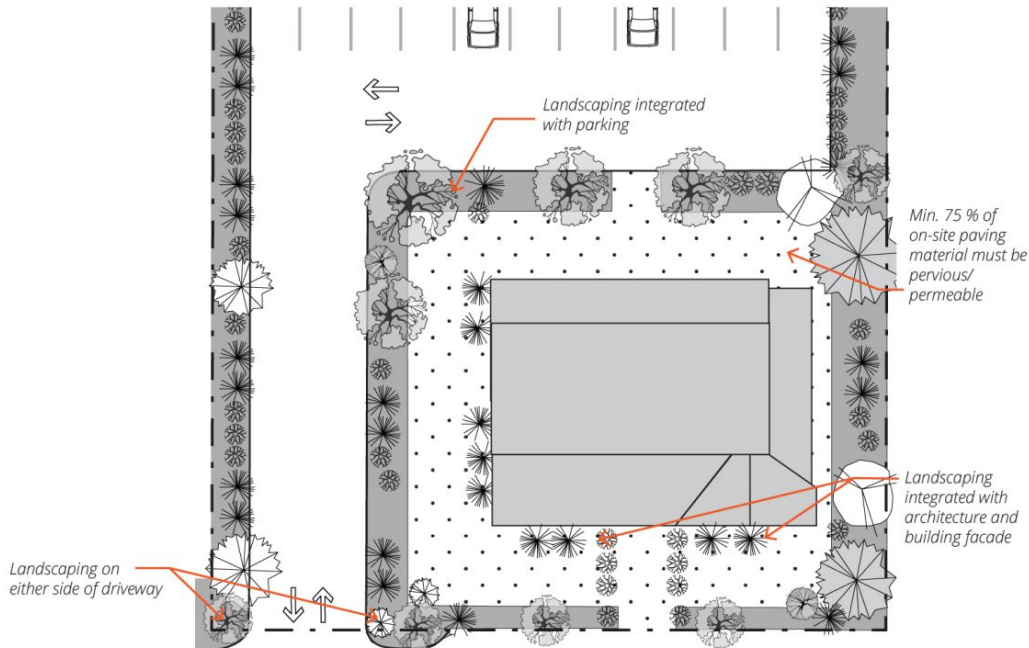
Staff Response: in the CRS zoning district, residential is only allowed above the ground floor in this zone so the standards are for nonresidential uses.⁷

⁷ See 14.48.040(e)- Conditional uses and structures (CRS).

E. Housing located above the ground floor;

Comment 23b-F5- assume those separate sections cover fast growing, etc

5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.



Staff Response: Section 14.66.180 and 14.70.070 adequately protect landscape strips within projects. The language is expansive but if the Council is concerned the words “*or as a condition of approval*” and “*fast growing*” can be added to the following sentence “a landscape strip or other landscaped areas provided in compliance with district regulations or as a condition of a use permit or a development project shall be planted with fast growing fast growing” material.....”

14.66.180 - Maintenance of landscaped areas- A landscaped strip or other landscaped area provided in compliance with district regulations or as a condition of a use permit shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped strips and other landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, or otherwise maintained as deemed necessary by the building inspector.

14.70.070 - Landscaped strips-A landscaped strip not less than five feet in depth shall be planted and permanently maintained throughout the length of all property lines adjoining residential sites and throughout the length of all property lines on adjoining streets, as approved by the architecture and site control committee.

Commentor: Mayor Fligor

Comment 24.

- a. 14.50.170 (CT)

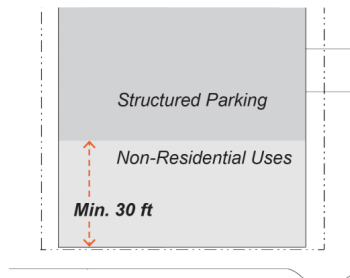
H- Worded differently from a previous section that used the word “Lined”. Intentional?

Staff Response: Yes; the text and definitions were both edited for clarity based on feedback received.

CRS

G. Parking Design and Access.

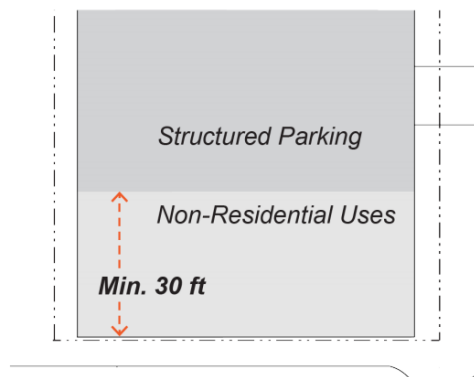
1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground-floor non-residential uses at least 30 feet deep as measured from the front façade; or



CT

H. Parking Design and Access.

1. Where structured parking is provided, the parking area must be either:
 - a. Located behind ground-floor non-residential uses at least 30 feet deep as measured from the front façade; or



Staff Response: Yes, the verbiage between the CRS zone and the CT zone are different. Edited to be consistent.

Commentor: Mayor

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Comment 25-14.52.110 (CD/R3)-B2f - I thought we talked about changing it to require 2 or more standards for the street facing entries.

Staff Response: Agreed. Text edited to say “two or more.”

- f. *Street-facing Entries to Upper Floors.* Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through one or more of the following:
- i. Dedicated awning, canopy, or other roof element
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s)
 - iv. Decorative street address numbers or tiles
 - v. Plaque signs for upper-floor business tenants

Commentor: May

26. Comments

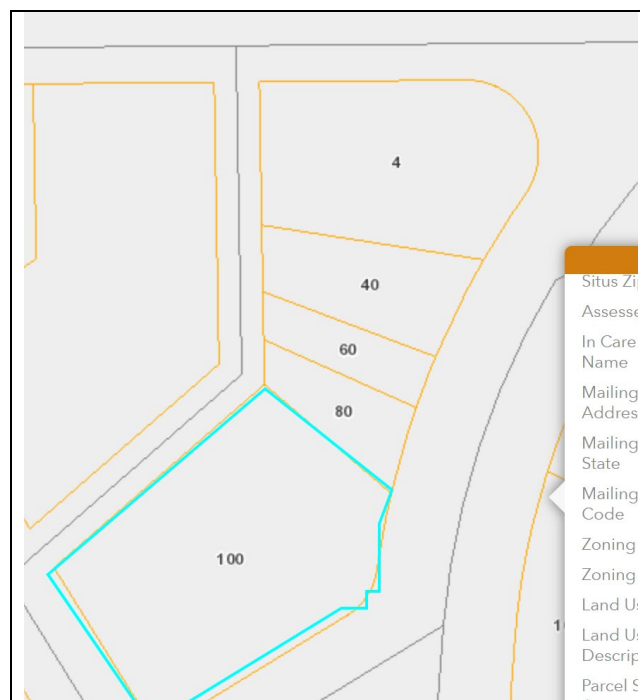
14.54.130 (CRS/OAD)

-A1a and b - Should it be A6?-

Staff Response: Edited

-B1 - Should it be 50 and not 25-foot module?

Staff Response: This is a 25 module per existing Code Sec. 14.54.130.B.2 and Downtown Design Guidelines Sec. 3.2.1.a and 3.2.8.



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Staff Response: The zoning district is CRS/OAD and the original direction from the City Council was to keep the development patterns consistent with the downtown. Most of the downtown has 25 foot parcels so 25 feet is what would be consistent with what is currently in place.

B1 - Change second "a" to "b"

Staff Response: Edited.

-E - should be gateway, not gateways-

Staff Response: Edited.



DISCUSSION ITEM
Agenda Item # 10 A & B

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

Prepared by: Steve Golden, Senior Planner, Acting Floodplain Administrator

Reviewed by: Jon Biggs, Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Ordinances
 - a. Urgency Ordinance No. 2021-479
 - b. Ordinance No. 2021-480
2. The National Flood Insurance Program in California Quick Guide, California Department of Water Resources: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Flood-Management/Community-Resources/National-Flood-Insurance-Program/Files/CA-NFIP-Quick-Guide-ay11.pdf>
3. Department Water Resources Model Ordinance FAQ (excerpt)

Initiated by:

Community Development Division/Floodplain Administrator

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Staff recommends that the City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is exempt from CEQA under CEQA Guidelines, § 15307 and 15308 which consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and/or the environment where the regulatory process involves procedures for protection of the environment.

Policy Question for Council Consideration:

Does the Council wish to repeal and replace the existing Chapter 12.60 Flood Hazard Areas ordinance with an updated comprehensive model ordinance that meets the requirements of

Reviewed By:

City Manager

GE

City Attorney

JH

Interim Finance Director

JM



Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

the National Flood Insurance Program (NFIP), is consistent with the California Building Standards Code, and avoids permissive and unenforceable language provisions per current FEMA guidelines and standards?

Summary:

The existing language contained in Chapter 12.60 Flood Hazard Areas ordinance dates back to its original adoption in 1980 when the City initiated its participation in the National Flood Insurance Program (NFIP) administered through the Federal Emergency Management Agency (FEMA). The existing ordinance language is outdated, is currently inconsistent with more recent adopted building code standards, and does not meet the requirements for the City to maintain a Community Rating System (CRS) Class 8 rating. The proposed ordinance will repeal and replace the existing ordinance with a model ordinance drafted by the California Department of Water Resources which has also been approved by FEMA to meet NFIP and other requirements and guidelines. This item is being brought forward as an urgency ordinance because the model flood ordinance was not made available until this year. The flood ordinance by its nature is a very technical set of regulations and a lot of time and effort was needed to evaluate these rules in order to bring it forward to the City Council. Additionally, the deadline for the ordinance update to include specific provisions for the CRS rating is October 6, 2021 and the regular ordinance process would not allow for the regulations to be adopted by the deadline. However, as recommended by the City Attorney, both an urgency ordinance and regular ordinance is recommended for adoption in the event there is a challenge to the urgency ordinance.

Recommendation:

The Floodplain Administrator and Community Development Director recommends the City Council adopt an urgency ordinance as well as introduce and waive first reading of an ordinance repealing Chapter 12.60 Flood Hazard Areas and adopt a new ordinance for Chapter 12.60 Floodplain Management to replace and enhance the existing flood hazard regulations.

Purpose

The proposed ordinance will repeal and replace the existing Chapter 12.60 Flood Hazard Areas ordinance with a model ordinance drafted by the California Department of Water Resources, which will provide a more comprehensive ordinance than the current ordinance and is a companion to and is consistent with the California Building Standards Code (CCR Title 24) that already has requirements for buildings in flood hazard areas adopted in Municipal Code Title 12. The model ordinance also adopts standards consistent with the National Flood Insurance Program that continues the City's existing compliance since it started participating in 1980.

Background

The City of Los Altos first entered as community into the National Flood Insurance Program in 1980. At that time, the Flood Hazard Areas Ordinance (previously titled Flood Damage Prevention, Municipal Code Section 10-6.01) was adopted. The ordinance, by and large, has remained unchanged since then with a very minor edit to specific language to adopt effective Flood Insurance Rate map documents as required by the NFIP. As time has passed on, the current language has become outdated



Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

with current guidelines and standards, is inconsistent with other recent code adoptions, and since that language was adopted can now be reasonably interpreted as permissive and unenforceable when compared to updated language in the proposed ordinance.

In addition, the City participates in the Community Rating System (CRS) of the National Flood Insurance Program (NFIP) administered under the Federal Emergency Management Agency (FEMA). The CRS is a voluntary program that allows communities to earn flood insurance premium discounts for residents and businesses by promoting flood risk reduction practices, floodplain management, and encourage buying flood insurance. These activities go above and beyond the normal enforcement of floodplain regulations. The jurisdiction is given a CRS Class rating based on a point system and each improvement in class rating nets an additional 5% discount for property owners paying flood insurance premiums. The City has maintained a Community Rating System Class 8 rating allowing property owners in the Special Flood Hazard Areas (SFHA) in Los Altos to receive a 10% discount on flood insurance premiums for all new or renewed policies by residents and businesses. There are approximately 550 properties located near Adobe, Hale, Permanente, or Stevens Creeks that may have a portion or all of their properties federally designated as SFHA. This special designation is given to land which has the highest probability of flooding in any given year and for which the Floodplain Management provisions apply to (generally, land development and buildings within SFHAs have to comply with Floodplain Management provisions).¹

Later this year, the City of Los Altos is due for a major audit of its five-year CRS classification. The City will strive to maintain or improve its current Class 8 rating (10% discount in flood insurance premiums); however, the current CRS guidelines have been updated (January 2021) to require that the current floodplain management ordinance require the enforcement of a minimum “freeboard” provision² in the building design standards when a structure is located in an SFHA. The freeboard standard exceeds minimum NFIP requirements for insurance purposes, but is supported and now required by the CRS guidelines for Class 8 or better. The freeboard provision allows for an additional measure of safety for the uncertainty in the Flood Insurance Rate Map data and other design flood elevations. If the City doesn’t adopt the freeboard requirement in the floodplain management ordinance, then the community is only eligible for a Class 9 rating (or a 5% flood insurance discount).

Furthermore, every three years, the City adopts the most recent cycle of the California Building Standards Codes (CCR Title 24; inclusive of the California Building Code and California Residential Code). CCR Title 24 is California’s adoption of the International Codes (I-Codes; inclusive of International Building Code [IBC] and International Residential Code [IRC]. The I-Codes include

¹ Flood Insurance is available to all properties in the City whether they are in or outside of an SFHA. Based on the most recent information provided to the City by State Officials, there are currently about 120 active flood insurance policies.

² Generally, minimum freeboard requires that a building’s finished floor elevation be designed and built at a minimum +1 foot above the base flood elevation as shown on the effective Flood Insurance Rate Map or as otherwise indicated by the design flood elevation.



Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

flood provisions that form the basis of the codes for buildings and structures in flood hazard areas. The Federal Emergency Management Agency considers the flood provisions of the International Codes (2015 and later editions) to be the minimum standards for hazard resistance and the flood provisions of those editions meet or exceed the NFIP requirements. With respect to the “freeboard” requirement, the I-Codes complies with the requirement. The City adopted the 2019 version of CCR Title 24 (contained in Chapter 12 of the Municipal Code) therefore, the City may rely on the flood provisions of CCR Title 24 to fulfill minimum NFIP requirements for buildings in flood hazard areas as well as some other standards that exceed minimum requirements including the “freeboard” requirement. However, current provisions in Chapter 12.60 Flood Hazard Areas now have conflicting floodplain management regulations with regards to similar regulations found in the City’s updated Building Codes (adopted into other sections of Municipal Code Title 12) to address buildings and structures in flood hazard areas. Retaining provisions for building and structure in flood area in the City’s separate floodplain management regulations will lead to conflicts with the Building Code and creates additional burdens to resolve differences. To these ends, staff is recommending the repeal and adoption of a new Floodplain Management Ordinance.

Additional background information regarding floodplain management concepts and regulations can be found in Attachment 2.

Discussion and Analysis

To resolve the conflicting issues between existing floodplain management ordinances and building codes adopted by jurisdictions discussed above and to further modernize floodplain management ordinances, the California Department of Water Resources (DWR) drafted a Model Floodplain Management Ordinance (“Model Ordinance”) that is coordinated with the CCR Title 24 and satisfies the NFIP and was approved by FEMA Region IX on April 6, 2020. The model ordinance is designed to repeal and replace existing floodplain management regulations. The model ordinance eases the City’s burden to draft new language on its own by comprehensively and inclusively addressing all requirements and guidelines with the benefit of already having approval by FEMA. Answers to some “frequently asked questions” regarding the model ordinance published by DWR is contained in Attachment 3.

The model ordinance in its entirety has been updated with specific language appropriate for the City of Los Altos (see Attachment 1) as specified by the model ordinance instructions and compendium documentation provided by DWR. The model ordinance provides for the minimum standards necessary for the City’s purpose in the implementation of floodplain management and replaces the minimum standards that previously existed. In addition to the updated provisions to meet technical requirements to comply with development in flood hazard areas and to provide references to the building regulations within flood hazard areas in other existing sections in the adopted Municipal Code (Title 12 – Buildings and Construction), the model ordinance proposes updated language that considerably avoids permissive language, enhances the enforcement provisions of the code and provides clarity for more certainty and less interpretation.



Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

A draft ordinance has been sent to DWR staff for their review. At the time of this report publication, staff was anticipating feedback from DWR staff and staff will include any recommended revisions, as needed or appropriate as a report addendum, based on the DWR staff response.

DWR makes available separate instructions explaining certain higher standards that can be accomplished as part of floodplain management ordinances. However, higher standards that affect the design of buildings must be adopted in accordance with statutory requirements for local amendments to the CCR Title 24. The Floodplain Administrator and other staff have begun to review the higher standards, but need additional time to evaluate the higher standards and implications, if adopted. Staff has also considered the timing and effort involved to adopt these standards and has considered that these higher standards be potentially introduced when the normal cycle of building code adoption takes place (2022 code cycle) since other sections of the Municipal Code will be amended that will be more efficient and then should be included in future updates and normal practices of adopting the building codes.

Options

- 1) Adopt an Urgency Ordinance No. 20210-479 repealing Chapter 12.60, entitled Flood Hazard Areas and adding a new Chapter 12.60, entitled Floodplain Management to replace and enhance the existing flood hazard regulations. Pursuant to Government Code section 36937 this Ordinance is being adopted as an urgency measure based on the City Council findings contained in the attached Urgency Ordinance No. 2021-479. This Urgency Ordinance requires a 4/5 vote of the entire City Council.

Advantages: Replace the outdated ordinance with a comprehensive model ordinance that meets the requirements of the National Flood Insurance Program (NFIP), consistent with the California Building Standards Code, and avoids permissive and unenforceable language provisions per current FEMA guidelines and standards. To preserve the public, health, safety and welfare Urgency Ordinance No. 2021-479 it will take effect immediately.

Disadvantages: None.

- 2) Introduce and adopt a regular Ordinance No. 2021-480 repealing Chapter 12.60, entitled Flood Hazard Areas and adding a new Chapter 12.60, entitled Floodplain Management to replace and enhance the existing flood hazard regulations. This Ordinance will return to Council for adoption at its September 14, 2021 meeting.

Advantages: Replace the outdated ordinance with a comprehensive model ordinance that meets the requirements of the National Flood Insurance Program (NFIP), consistent with the California Building Standards Code, and avoids permissive



Subject: Chapter 12.60 Flood Hazard Areas Ordinance Amendment

and unenforceable language provisions per current FEMA guidelines and standards.

Disadvantages: None.

3) Do not adopt the Urgency Ordinance or regular Ordinance and provide staff direction on changes to the Ordinances.

Advantages: Modifications can be made to the Ordinance(s) as necessary before being reintroduced.

Disadvantages: Potentially jeopardize the current CRS Class 8 rating increasing flood insurance premiums, delay implementation of a new ordinance that resolves current conflicts, and potentially introduce language that is in conflict with NFIP standards and/or not approved by FEMA.

4) Forego adoption altogether

Advantages: None.

Disadvantages: Will reduce the City to a CRS Class 9 rating that will increase flood insurance premiums, maintains inconsistent and conflicting municipal code language for development and structures within flood hazard zones, could result in enforcement issues, and could result in future risk losing the NFIP community status altogether.

Recommendation

The Floodplain Administrator and Community Development Director recommends the City Council adopt Urgency Ordinance No. 2021-479 and introduce and waive further reading of Ordinance No. 2021-480 repealing Chapter 12.60 Flood Hazard Areas and adding a new Chapter 12.60, entitled Floodplain Management to replace and enhance the existing flood hazard regulations.

URGENCY ORDINANCE NO. XX-XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE CITY OF LOS ALTOS MUNICIPAL CODE TO REPEAL CHAPTER 12.60 FLOOD HAZARD AREA REGULATIONS AND TO REPLACE IT WITH A NEW CHAPTER 12.60 ENTITLED FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS; AND MAKING FINDINGS THAT THIS ORDINANCE IS EXEMPT UNDER CEQA GUIDELINES SECTIONS 15307 AND 15308.

WHEREAS, the Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Los Altos and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Los Altos was accepted for participation in the National Flood Insurance Program on July 16, 1980 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, pursuant to the California Health and Safety Code, Division 13, Part 1.5 and Part 2.5, the City of Los Altos is required to administer and enforce the *California Building Standards Code*, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas;

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *California Building Standards Code*; and

WHEREAS, the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15307 and 15308, which consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and/or the environment where the regulatory process involves procedures for protection of the environment.

NOW, THEREFORE, the City Council of City of Los Altos does hereby ordain as follows:

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations repeal and **Chapter 12.60 FLOOD HAZARD AREA REGULATIONS** in its entirety and replace with a new **CHAPTER 12.60**, entitled **FLOODPLAIN MANAGEMENT** to read as follows:

“CHAPTER 12.60 FLOODPLAIN MANAGEMENT

ARTICLE 1 GENERAL PROVISIONS

12.60.010 Title. These regulations, in combination with the flood provisions of California Code of Regulations Title 24, the *California Building Standards Code* (hereinafter “building codes,” consisting of the Part 2 (building), Part 2.5 (residential), Part 10 (existing building), and related codes), shall be known as the *Floodplain Management Regulations* of the City of Los Altos (hereinafter “these Regulations”).

12.60.020 Statutory authority. Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt rdesigned to promote the public health, safety, and general welfare of its citizenry.

12.60.030 Scope. The provisions of these Regulations, in combination with the flood provisions of the building codes, shall apply to all proposed development entirely or partially in flood hazard areas established in Section 12.60.110 of these Regulations.

12.60.040 Purposes and objectives. The purposes and objectives of these Regulations and the flood load and flood resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding.
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain.
- (4) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.

- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

12.60.050 Coordination with *California Building Standards Code*. Pursuant to the requirement established in State statute that the City of Los Altos administer and enforce the *California Building Standards Code*, the City Council of the City of Los Altos hereby acknowledges that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these Regulations are intended to be administered and enforced in conjunction with the building codes.

12.60.060 Warning. The degree of flood protection required by these Regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these Regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these Regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these Regulations.

12.60.070 Disclaimer of liability. These Regulations shall not create liability on the part of the City of Los Altos, the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these Regulations or any administrative decision lawfully made hereunder. The Floodplain Administrator and any employee charged with the enforcement of these Regulations, while acting for the community in good faith and without malice in the discharge of the duties required by these Regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these Regulations shall be defended by a legal representative of the community until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these Regulations.

12.60.080 Other laws. The provisions of these Regulations shall not be deemed to nullify any provisions of local, state or federal law.

12.60.090 Abrogation and greater restrictions. These Regulations supersede any ordinance in effect in flood hazard areas. However, these Regulations are not intended to repeal, abrogate or impair

any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes, nor any existing easements, covenants, or deed restrictions. In the event of an overlap or conflict between these Regulations and any other ordinance, code, regulation, easement, covenant, or deed restriction, the more restrictive shall govern.

ARTICLE 2 APPLICABILITY

12.60.100 General applicability. These Regulations, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the subdivision of land; filling, grading and other site improvements; installation of utilities; installation, placement and replacement of manufactured homes; placement of recreational vehicles; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; certain building work exempt from permit under the building codes; and flood control projects.

12.60.110 Establishment of Flood Hazard Areas. The Flood Insurance Study for the City of Los Altos, Santa Clara County, California and Incorporated Areas dated January 1980, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are hereby adopted by reference as a part of these Regulations and serve as the basis for establishing flood hazard areas. Where the building code establishes flood hazard areas, such areas are established by this section. Additional maps and studies, when specifically adopted, supplement the FIS and FIRMs to establish additional flood hazard areas. Maps and studies that establish flood hazard areas are on file at the Community Development Department, One North San Antonio Road, Los Altos, CA 94022.

12.60.120 Interpretation. In the interpretation and application of these Regulations, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

ARTICLE 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

12.60.130 Designation. The City Manager, or his or her designee, is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

12.60.140 General authority. The Floodplain Administrator is authorized and directed to administer and enforce these Regulations. The Floodplain Administrator shall have the authority to render interpretations of these Regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these Regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article 7 of these Regulations. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these Regulations but that are not required to be prepared by a qualified California (CA) Licensed Land Surveyor or Civil

Engineer when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these Regulations.

12.60.150 Coordination. The Floodplain Administrator shall coordinate with and provide comments to the Building Official to administer and enforce the flood provisions of the building code and to ensure compliance with the applicable provisions of these Regulations. The Floodplain Administrator and the Building Official have the authority to establish written procedures for reviewing applications and conducting inspections for buildings and for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 12.60.170 of these Regulations.

12.60.160 Duties. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review all permit applications and plans to determine whether proposed development is located in flood hazard areas.
- (2) Review all applications and plans for development in flood hazard areas for compliance with these Regulations.
- (3) Review, in coordination with the Building Official, required design certifications and documentation of elevations specified by the building code to determine that such certifications and documentations are complete.
- (4) Review applications and plans for modification of any existing development in flood hazard areas for compliance with these Regulations.
- (5) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (6) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (7) Determine whether additional flood hazard data shall be obtained from other sources or developed by the applicant.
- (8) Complete the appropriate section of the Department of Housing and Community Development Floodplain Ordinance Compliance Certification for Manufactured Home/Mobil home Installations when submitted by applicants.
- (9) Review requests submitted to the Building Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Article 7 of these Regulations.
- (10) Coordinate with the Building Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (11) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

- (12) Require applicants who propose alteration of a watercourse to notify adjacent communities and the NFIP State Coordinating Agency, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (13) Inspect development in accordance with Article 6 of these Regulations and inspect flood hazard areas to determine when development is undertaken without issuance of permits.
- (14) Prepare comments and recommendations for consideration when applicants seek variances for development other than buildings in accordance with Article 7 of these Regulations.
- (15) Cite violations in accordance with Article 8 of these Regulations.
- (16) Notify FEMA when the corporate boundaries of the City of Los Altos have been modified and provide a map and legal description of the changes in the corporate boundaries.

12.60.170 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

12.60.180 Department records. In addition to the requirements of the building code and these Regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these Regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these Regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of

enforcement actions taken pursuant to these Regulations and the flood resistant provisions of the building codes.

ARTICLE 4 PERMITS FOR FLOODPLAIN DEVELOPMENT

12.60.190 Permits required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit for floodplain development. No permit shall be issued until compliance with the requirements of these Regulations and all other applicable codes and regulations has been satisfied. No building permit shall be issued based on Conditional Letters of Map Revision issued by FEMA. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine a permit for floodplain development is required in addition to a building permit.

12.60.200 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. The information provided shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Article 5 of these Regulations, including grading, excavation and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Include such other data and information required by the Floodplain Administrator to demonstrate compliance with these Regulations.

12.60.210 Validity of permit. The issuance of a permit for floodplain development under these Regulations or the building codes shall not be construed to be a permit for, or approval of, any violation of these Regulations, the building code, or any other ordinance of the community. The issuance of a permit for floodplain development based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these Regulations.

12.60.220 Other permits required. The applicant shall obtain all other required state and federal permits prior to initiating work authorized by these Regulations and shall provide documentation of such permits to the Floodplain Administrator. Such permits include but are not limited to the California State Water Resources Control Board for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

12.60.230 Expiration. A permit for floodplain development shall become invalid when the

proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each unless FEMA has issued notification of revision to the Flood Insurance Rate Study and Flood Insurance Rate Maps that alter the flood hazard area or floodway boundaries, flood zones, or base flood elevations, in which case the permit is invalid.

12.60.240 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit for floodplain development issued under these Regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of these Regulations or any ordinance or code of this community.

12.60.250 Appeals of decisions. When it is alleged there is an error in any decision or determination made by the Floodplain Administrator in the interpretation or enforcement of these Regulations, such decision or determination may be appealed to the City Manager by filing a written appeal setting forth the reasons of the appeal.

ARTICLE 5 SITE PLANS AND CONSTRUCTION DOCUMENTS

12.60.260 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these Regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas; floodway boundaries and flood zone(s); base flood elevation(s); ground elevations; proposed filling, grading, and excavation; and drainage patterns and facilities when necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 12.60.270 or Section 12.60.280 of these Regulations.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 12.60.270 (2) of these Regulations.
- (4) Location of the proposed activity and proposed structures; locations of water supply, sanitary sewer, and other utilities; and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

12.60.270 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator is authorized to:

- (1) Require the applicant to include base flood elevation data prepared by a qualified CA Licensed Civil Engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified CA Licensed Civil Engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data in accordance with Section 12.60.270 (1) of these Regulations; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

12.60.280 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of these Regulations, the applicant shall have the following analyses signed and sealed by a qualified CA Licensed Civil Engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 12.60.290 of these Regulations and shall submit the Conditional Letter of Map Revision, when issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the Flood Insurance Study or on the FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard

engineering practices that demonstrates the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 12.60.290 of these Regulations. The applicant shall notify the chief executive officer of adjacent communities and the California Department of Water Resources. The Floodplain Administrator shall maintain a copy of the notification in the permit records and shall submit a copy to FEMA.

12.60.290 Submission of additional data. When additional hydrologic, hydraulic r other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Provided FEMA issues a Conditional Letter of Map Revision, construction of proposed flood control projects and land preparation for development are permitted, including clearing, excavation, grading, and filling. Permits for construction of buildings shall not be issued until the applicant satisfies the FEMA requirements for issuance of a Letter of Map Revision.

ARTICLE 6 INSPECTIONS

12.60.300 Inspections, in general. Development for which a permit for floodplain development is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these Regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these Regulations or the building code or other ordinances shall not be valid.

12.60.310 Inspections of development other than buildings and structures. The Floodplain Administrator shall make or cause to be made, inspections of all development other than buildings and structures that is authorized by issuance of a permit for floodplain development under these Regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.

12.60.320 Inspections of manufactured homes installations. The Floodplain Administrator shall make or cause to be made, inspections of installation and replacement of manufactured homes in flood hazard areas authorized by issuance of a permit for floodplain development under these Regulations. Upon installation of a manufactured home and receipt of the elevation certification required in Section 12.60.580 of these Regulations the Floodplain Administrator shall inspect the installation or have the installation inspected.

12.60.330 Buildings and structures. The Building Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit, in accordance with the building code:

- (1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the building official.

- (2) **Final inspection.** Prior to the final inspection, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the building official.

ARTICLE 7 VARIANCES

12.60.340 Nature of variances. The considerations and conditions for variances set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be issued for a parcel of property with physical characteristics so unusual that complying with the requirements of these Regulations would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. The issuance of a variance is for floodplain management purposes only. Federal flood insurance premium rates are determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance.

It is the duty of the City of Los Altos to promote public health, safety and welfare and minimize losses from flooding. This duty is so compelling and the implications of property damage and the cost of insuring a structure built below flood level are so serious that variances from the elevation or other requirements in the building codes should be quite rare. The long term goal of preventing and reducing flood loss and damage, and minimizing recovery costs, inconvenience, danger, and suffering, can only be met when variances are strictly limited. Therefore, the variance requirements in these Regulations are detailed and contain multiple provisions that must be met before a variance can be properly issued. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

12.60.350 Variances; general. The City Manager shall hear and decide requests for variances from the strict application of these Regulations.

12.60.360 Limitations on authority. The City Manager shall base its determination on technical justifications submitted by applicants, the considerations and conditions set forth in this article, the comments and recommendations of the Floodplain Administrator and Building Official, as applicable, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these Regulations and the building code.

12.60.370 Records. The Floodplain Administrator shall maintain a permanent record of all variance actions, including justification for issuance.

12.60.380 Historic structures. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic structure upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure. When the proposed work precludes the structure's continued designation as a historic building, a variance shall not be granted and the structure and any repair, improvement, and rehabilitation shall be subject to the requirements of the building code.

12.60.390 Restrictions in floodways. A variance shall not be issued for any proposed

development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analyses required in Section 12.60.280 (1) of these Regulations.

12.60.400 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the criteria in Section 1612 of the building code (CCR Title 24 Part 2) or Section R322 of the residential code (CCR Title 24 Part 2.5) are met, as applicable, and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damages during the base flood and create no additional threats to public safety.

12.60.410 Considerations for issuance of variances. In reviewing applications for variances, all technical evaluations, all relevant factors, all other requirements of these Regulations and the building code, as applicable, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, if applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

12.60.420 Conditions for issuance of variances. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these Regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights,

additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or future property owners, or conflict with existing local laws or ordinances.

- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) When the request is to allow construction of the lowest floor of a new building or substantial improvement of a building below the base flood elevation, notification to the applicant in writing over the signature of the Floodplain Administrator specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that issuance of a variance to construct below the elevation required in the building code will result in increased premium rates for federal flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the required elevation increases risks to life and property.
- (6) Written agreement signed by the recipient of a variance to allow construction of the lowest floor below the required elevation to record the variance in the Office of the Santa Clara County Recorder in a manner so that it appears in the chain of title of the property.

ARTICLE 8 VIOLATIONS

12.60.430 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of the elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these Regulations or the building code, is presumed to be a violation until such time as required documentation is submitted. Violation of the requirements shall constitute a misdemeanor.

12.60.440 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the building codes, but is regulated by these Regulations and that is determined to be a violation.

12.60.450 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

ARTICLE 10 DEFINITIONS

12.60.460 General. The following words and terms shall, for the purposes of these Regulations, have the meanings shown herein. Where terms are not defined in these Regulations and are defined in the building code (CCR Title 24 Part 2) and used in the residential code (CCR Title 24 Part 2.5), such terms shall have the meanings ascribed to them in those codes. Where terms are not defined in these Regulations or the building code, such terms shall have ordinarily accepted meanings such as the context implies.

12.60.470 Definitions

“Accessory Structure” means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

“Agricultural Structure” means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“ASCE 24” means the standard *Flood Resistant Design and Construction*, referenced by the building code, developed and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.

“Base flood” means the flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in CCR Title 24 Part 2.]

“Base flood elevation” means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in CCR Title 24 Part 2.]

“Basement” means, for the purpose of floodplain management, the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in CCR Title 24 Part 2.]

“Building code” means California Code of Regulations Title 24, the *California Building Standards Code*, the family of building codes specifically adopted by the State of California and composed of:

- (1) Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
- (2) Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
- (3) Part 10, applicable to existing buildings (as defined in that code).
- (4) Other specified codes.

“Design flood” means the flood associated with the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

- (1) Area with a flood plain subject to a 1-percent or greater chance of flooding in any year.
- (2) Area designated as a flood hazard area on a community’s flood hazard map, or otherwise legally designated.

“Design flood elevation” means the elevation of the “design flood,” including wave height, relative

to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm). [Also defined in CCR Title 24 Part 2.]

“Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations, flood control projects, and other land-disturbing activities.

“Encroachment” means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

"Exceptional hardship" means, for the purpose of variances from these Regulations or the building code, the exceptional difficulty that would result from a failure to grant a requested variance. Mere economic or financial hardship is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors do not, as a rule, qualify as exceptional hardships. All of these circumstances can be resolved through other means without granting variances, even when the alternatives are more expensive or require the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before July 24, 1980.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding.

“Flood control project” means a dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

“Flood damage-resistant materials” means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in CCR Title 24 Part 2.]

“Flood hazard area” means the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

“Flood Insurance Rate Map (FIRM)” means an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. [Also defined in CCR Title 24 Part 2.]

”Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data. [Also defined in CCR Title 24 Part 2.]

“Floodplain Administrator” means the Community Development Director or his or her designee, to leave in administer and enforce the floodplain management regulations.

“Floodway” means the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Also defined in CCR Title 24 Part 2.]

"Fraud or victimization" means, for the purpose of variances from these Regulations or the building code, the intentional use of deceit to deprive another of rights or property, making a victim of the deprived person or the public. As it pertains to buildings granted variances to be constructed below the elevation required by the building code, future owners or tenants of such buildings and the community as a whole may bear the burden of increased risk of damage from floods, increased cost of flood insurance, and increased recovery costs, inconvenience, danger, and suffering.

“Functionally dependent use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding or ship repair facilities. The term does not include long-term storage, manufacture, sales or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the inventory of historic places maintained by the California Office of Historic Preservation; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the California Office of Historic Preservation.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light-duty truck” means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the building codes. [Also defined in CCR Title 24 Part 2.]

“Manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, designed for use as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and constructed to the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development. Also see definitions in Health and Safety Code Sections 18000(a)(2) and 18001(a). For the purposes of floodplain management, the term also includes mobile homes and recreational vehicles, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these Regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) a qualified independent appraiser.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after July 24, 1980.

“Nuisance” means that which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Permit for floodplain development” means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specified development activities that are located in flood hazard areas and that are determined to be compliant with these Regulations.

“Recreational vehicle” means a vehicle that is built on a single chassis, 400 square feet (37.16 m²) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use when it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Also see definitions in Health and Safety Code section 18010.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special flood hazard area (SFHA)” means the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. [Also defined in CCR Title 24 Part 2.]

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Also defined in CCR Title 24 Part 2.]

“Substantial improvement” means any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. When the structure has

sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in CCR Title 24 Part 2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Utility and Miscellaneous Group U” means buildings and structures of an accessory character and miscellaneous structure not classified in any special occupancy, as described in the building code.

“Variance” means a grant of relief from the requirements of these Regulations which permits construction in a manner otherwise prohibited and where specific enforcement would result in exceptional hardship.

“Violation” means a development that is not fully compliant with these Regulations or the flood provisions of the building code, as applicable.

“Watercourse” means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

ARTICLE 11 BUILDINGS AND STRUCTURES

12.60.480 Requirements for buildings and structures in flood hazard areas. Applications for building and structures within the scope of the building code that are proposed in flood hazard areas shall comply with the applicable requirements of the building code and local amendments to the building code specified in Title 12 Buildings and Construction.

12.60.490 Detached garages and accessory storage structures. Detached garages and accessory storage structures used only for parking or storage (and cannot be attached to any structure used for human habitation or converted to a use for human habitation) are permitted below the base flood elevation provided the garages and accessory storage structures:

- (1) Are one story and not larger than 400 square feet in area when located in special flood hazard areas.
- (2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (3) Have flood openings in accordance with the building code.
- (4) Have flood damage-resistant materials used below the base flood elevation.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.

12.60.500 Utility and Miscellaneous Group U. Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including, but not limited to, agricultural buildings, aircraft hangars

(accessory to a one- or two-family residence), barns, carports, fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers. In addition to the building code requirements for fire and life safety, the following shall apply to utility and miscellaneous Group U buildings and structures in flood hazard areas:

- (1) New construction and substantial improvement of such buildings and structures shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.
- (2) New construction and substantial improvement of such buildings and structures, when fully enclosed by walls, shall be elevated such that the lowest floor, including basement, is elevated to or above the design flood elevation in accordance with ASCE 24 or shall be dry floodproofed in accordance with ASCE 24.
- (3) Unless dry floodproofed, fully enclosed areas below the design flood elevation shall be constructed in accordance with ASCE 24 and limited to parking, storage, and building access.
- (4) When fully enclosed by walls, flood openings shall be installed in accordance with ASCE 24.
- (5) Flood damage-resistant materials shall be used below the design flood elevation.
- (6) Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be located or installed in accordance with ASCE 24.

ARTICLE 12 SUBDIVISIONS

12.60.510 Minimum requirements. Subdivision proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
- (2) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage in accordance with Section 12.60.540 and Section 12.60.550 of these Regulations, as applicable, and appropriate codes.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

12.60.520 Subdivision requirements. In addition to the requirements of Section 302-1 of these Regulations, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, as appropriate, shall be delineated on preliminary subdivision plats.
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12.60.270(1) of these Regulations.
- (3) When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall

be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

ARTICLE 13 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

12.60.530 Minimum requirements. All proposed development in flood hazard areas shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
- (2) Where the proposed development has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12.60.270(1) of these Regulations.
- (3) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage.
- (4) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

12.60.540 Sanitary sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

12.60.550 Water supply facilities. All new and replaced water supply facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

12.60.560 Development in floodways. Development, site improvements and land disturbing activity involving fill or regrading shall not be authorized in the floodway unless the floodway encroachment analysis required in Section 12.60.280(1) of these Regulations demonstrates the proposed work will not result in any increase in the base flood level during occurrence of the base flood discharge.

12.60.570 Limitations on placement of fill. Subject to the limitations of these Regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures, fill shall comply with the requirements of the building code. The placement of fill intended to change base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMS shall be subject to the requirements of Section 12.60.290 of these Regulations.

ARTICLE 14 INSTALLATION OF MANUFACTURED HOMES

12.60.580 Installation. All manufactured homes installed in flood hazard areas shall be installed by

an installer that is licensed pursuant to the Business and Professions Code and shall comply with the requirements of the Department of Housing and Community Development (HCD) and the requirements of these Regulations. In addition to permits pursuant to these Regulations, permits from the HCD are required where the HCD is the enforcement agency for installation of manufactured homes. Upon completion of installation and prior to the final inspection by the Floodplain Administrator, the installer shall submit certification of the elevation of the manufactured home, prepared by a licensed land surveyor or registered civil engineer, to the Floodplain Administrator.

12.60.590 Foundations. All new and replacement manufactured homes, including substantial improvement of manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of Section R322.2 of the residential code (CCR Title 24 Part 2.5) and these Regulations. Foundations for manufactured homes subject to Section 12.60.620 of these Regulations are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

12.60.600 Anchoring. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind loads and seismic loads.

12.60.610 General elevation requirement. Unless subject to the requirements of Section 12.60.620 of these Regulations, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the lowest floor, or bottom of the lowest horizontal member of the lowest floor, as applicable to the flood hazard area, is at or above the base flood elevation.

12.60.620 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 12.60.610 of these Regulations, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as a result of flooding has occurred, shall be elevated such that either the:

- (1) Lowest floor, or bottom of the lowest horizontal structural member, as applicable to the flood hazard area, is at or above the base flood elevation.
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

12.60.630 Flood damage-resistant materials. Materials below elevated manufactured homes shall comply with the flood-damage resistant materials requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

12.60.640 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the enclosed area requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

12.60.650 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the lowest floor or bottom of the lowest horizontal structural member of the manufactured home, as applicable to the flood hazard area.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 12.60.610 or Section 12.60.620, as applicable, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE 15 RECREATIONAL VEHICLES

12.60.660 Temporary placement. Recreational vehicles in flood hazard areas, shall be placed on a site for less than 180 consecutive days or shall be fully licensed and ready for highway use. Ready for highway use means the recreational vehicle is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, such as rooms, stairs, decks and porches.

12.60.670 Permanent placement. Recreational vehicles that do not meet the limitations in Section 12.60.660 for temporary placement shall meet the requirements of Article 14 for manufactured homes.

ARTICLE 16 OTHER DEVELOPMENT

12.60.680 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these Regulations or the building code, shall:

- (1) Be located and constructed to minimize flood damage.
- (2) Meet the limitations of Section 12.60.560 of these Regulations when located in a regulated floodway.
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (4) Be constructed of flood damage-resistant materials.
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

12.60.690 Tanks. Tanks that serve buildings shall comply with the requirements of the building code. Underground and above-ground tanks that serve other purposes shall be designed, constructed, installed and anchored in accordance with ASCE 24.

12.60.700 Requirements for temporary structures and temporary storage in flood hazard areas. Temporary structures shall be erected for a period of less than 180 days and temporary storage of goods and materials shall be permitted for a period of less than 180 days. Extensions may be granted in accordance with Section 12.60.230 of these Regulations. In addition, the following apply:

- (1) Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.
- (2) Temporary stored materials shall not include hazardous materials.
- (3) The requirements of Section 12.60.560 of these Regulations, when located in floodways.

12.60.710 Fences in floodways. Fences in floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 12.60.560 of these Regulations.

12.60.720 Oil derricks. Oil derricks located in flood hazard areas shall be designed in conformance with flood loads required by the building code.

12.60.720 Retaining walls, sidewalks and driveways in floodways. Retaining walls and sidewalks and driveways that involve placement of fill in floodways shall meet the limitations of Section 12.60.560 of these Regulations and the requirements for site grading in Chapter 18 of the building code.

12.60.730 Roads and watercourse crossings in floodways. Roads and watercourse crossings that encroach into floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side shall meet the limitations of Section 12.60.560 of these Regulations. Alteration of a watercourse that is part of work proposed for a road or watercourse crossing shall meet the requirements of Section 12.60.280(3) of these Regulations.

12.60.740 Swimming pools. Above-ground swimming pools, on-ground swimming pools, and in-ground swimming pools that involve placement of fill in floodways shall meet the requirement of Section 12.60.560 of these Regulations.

ARTICLE 17 FLOOD CONTROL PROJECTS

12.60.750 Flood control projects; general. In addition to applicable Federal, State and other local permits, a permit for floodplain development is required for construction of flood control projects. The purpose for the permit is to examine the impact on flood hazard areas, floodways, and base flood elevations shown on the FIRM. Unless otherwise authorized by separate regulations, issuance of this permit does not address the sufficiency of the structural elements of the proposed flood control project. Permits for floodplain development and building permits in areas affected by proposed flood control projects shall not be issued based on Conditional Letters of Map Revision issued by FEMA.

12.60.760 Flood control projects; applications. Applications for permits for flood control projects shall include documentation including but not limited to:

- (1) Site plan or document showing the existing topography and the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations shown on the FIRM.
- (2) Site plan or document showing the proposed topography and the proposed changes to the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations.
- (3) The documentation submitted to FEMA for a Conditional Letter of Map Revision (CLOMR) and, if issued, the Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. A CLOMR is required when a proposed flood control project alters a floodway and increases base flood elevations more than greater than 0.00 feet, or alters a watercourse a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated and increases base flood elevations more than 1.0 foot.

SECTION 3. APPLICABILITY. For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Los Altos. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. CEQA. The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is exempt from CEQA under CEQA Guidelines, § 15307 and 15308_which consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and/or the environment where the regulatory process involves procedures for protection of the environment.

SECTION 6. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE: This Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and welfare of the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:

The City Council finds that this Ordinance must be adopted as an Urgency Ordinance to correct any conflicts between any existing City policies, rules and regulations contained in the Los Altos Municipal Code, Chapter 12.60 Flood Hazard Area Regulations, and this Urgency Ordinance, Chapter 12.60, Floodplain Management. This Urgency Ordinance is further necessary to avoid confusion and to

assure the public what new Floodplain Management Regulations will apply.

The City Council further finds that it is necessary that this Ordinance be adopted as an Urgency Ordinance to meet its 5-year Community Rating System (CRS) cycle review, which is currently scheduled for October 1, 2021.

In order to accomplish these goals, Los Altos Municipal Code Chapter 12.60, as amended, must adopted by means of this Urgency Ordinance.

The foregoing Urgency Ordinance was duly and properly introduced and adopted at a regular meeting of the City Council of the City of Los Altos held on August 24, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE CITY OF LOS ALTOS MUNICIPAL CODE TO REPEAL CHAPTER 12.60 FLOOD HAZARD AREA REGULATIONS AND TO REPLACE IT WITH A NEW CHAPTER 12.60 ENTITLED FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS; AND MAKING FINDINGS THAT THIS ORDINANCE IS EXEMPT UNDER CEQA GUIDELINES SECTIONS 15307 AND 15308.

WHEREAS, the Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Los Altos and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Los Altos was accepted for participation in the National Flood Insurance Program on July 16, 1980 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, pursuant to the California Health and Safety Code, Division 13, Part 1.5 and Part 2.5, the City of Los Altos is required to administer and enforce the *California Building Standards Code*, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas;

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *California Building Standards Code*; and

WHEREAS, the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15307 and 15308, which consists of actions taken by regulatory agencies as authorized by state law or local Ordinance to assure the maintenance, restoration, or enhancement of a natural resource and/or the environment where the regulatory process involves procedures for protection of the environment.

NOW, THEREFORE, the City Council of City of Los Altos does hereby ordain as follows:

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations repeal and **Chapter 12.60 FLOOD HAZARD AREA REGULATIONS** in its entirety and replace with a new **CHAPTER 12.60**, entitled **FLOODPLAIN MANAGEMENT** to read as follows:

“CHAPTER 12.60 FLOODPLAIN MANAGEMENT

ARTICLE 1 GENERAL PROVISIONS

12.60.010 Title. These regulations, in combination with the flood provisions of California Code of Regulations Title 24, the *California Building Standards Code* (hereinafter “building codes,” consisting of the Part 2 (building), Part 2.5 (residential), Part 10 (existing building), and related codes), shall be known as the *Floodplain Management Regulations* of the City of Los Altos (hereinafter “these Regulations”).

12.60.020 Statutory authority. Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt rdesigned to promote the public health, safety, and general welfare of its citizenry.

12.60.030 Scope. The provisions of these Regulations, in combination with the flood provisions of the building codes, shall apply to all proposed development entirely or partially in flood hazard areas established in Section 12.60.110 of these Regulations.

12.60.040 Purposes and objectives. The purposes and objectives of these Regulations and the flood load and flood resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding.
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain.
- (4) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.

- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

12.60.050 Coordination with *California Building Standards Code*. Pursuant to the requirement established in State statute that the City of Los Altos administer and enforce the *California Building Standards Code*, the City Council of the City of Los Altos hereby acknowledges that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these Regulations are intended to be administered and enforced in conjunction with the building codes.

12.60.060 Warning. The degree of flood protection required by these Regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these Regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these Regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these Regulations.

12.60.070 Disclaimer of liability. These Regulations shall not create liability on the part of the City of Los Altos, the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these Regulations or any administrative decision lawfully made hereunder. The Floodplain Administrator and any employee charged with the enforcement of these Regulations, while acting for the community in good faith and without malice in the discharge of the duties required by these Regulations or other pertinent law or Ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these Regulations shall be defended by a legal representative of the community until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these Regulations.

12.60.080 Other laws. The provisions of these Regulations shall not be deemed to nullify any provisions of local, state or federal law.

12.60.090 Abrogation and greater restrictions. These Regulations supersede any Ordinance

in effect in flood hazard areas. However, these Regulations are not intended to repeal, abrogate or impair any existing Ordinances including land development regulations, subdivision regulations, zoning Ordinances, stormwater management regulations, or building codes, nor any existing easements, covenants, or deed restrictions. In the event of an overlap or conflict between these Regulations and any other Ordinance, code, regulation, easement, covenant, or deed restriction, the more restrictive shall govern.

ARTICLE 2 APPLICABILITY

12.60.100 General applicability. These Regulations, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the subdivision of land; filling, grading and other site improvements; installation of utilities; installation, placement and replacement of manufactured homes; placement of recreational vehicles; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; certain building work exempt from permit under the building codes; and flood control projects.

12.60.110 Establishment of Flood Hazard Areas. The Flood Insurance Study for the City of Los Altos, Santa Clara County, California and Incorporated Areas dated January 1980, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are hereby adopted by reference as a part of these Regulations and serve as the basis for establishing flood hazard areas. Where the building code establishes flood hazard areas, such areas are established by this section. Additional maps and studies, when specifically adopted, supplement the FIS and FIRMs to establish additional flood hazard areas. Maps and studies that establish flood hazard areas are on file at the Community Development Department, One North San Antonio Road, Los Altos, CA 94022.

12.60.120 Interpretation. In the interpretation and application of these Regulations, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

ARTICLE 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

12.60.130 Designation. The Community Development Director, or his or her designee, is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

12.60.140 General authority. The Floodplain Administrator is authorized and directed to administer and enforce these Regulations. The Floodplain Administrator shall have the authority to render interpretations of these Regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these Regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article 7 of these Regulations. The Floodplain Administrator is authorized to waive the submission

of site plans, construction documents, and other data that are required by these Regulations but that are not required to be prepared by a qualified California (CA) Licensed Land Surveyor or Civil Engineer when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these Regulations.

12.60.150 Coordination. The Floodplain Administrator shall coordinate with and provide comments to the Building Official to administer and enforce the flood provisions of the building code and to ensure compliance with the applicable provisions of these Regulations. The Floodplain Administrator and the Building Official have the authority to establish written procedures for reviewing applications and conducting inspections for buildings and for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 12.60.170 of these Regulations.

12.60.160 Duties. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review all permit applications and plans to determine whether proposed development is located in flood hazard areas.
- (2) Review all applications and plans for development in flood hazard areas for compliance with these Regulations.
- (3) Review, in coordination with the Building Official, required design certifications and documentation of elevations specified by the building code to determine that such certifications and documentations are complete.
- (4) Review applications and plans for modification of any existing development in flood hazard areas for compliance with these Regulations.
- (5) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (6) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (7) Determine whether additional flood hazard data shall be obtained from other sources or developed by the applicant.
- (8) Complete the appropriate section of the Department of Housing and Community Development Floodplain Ordinance Compliance Certification for Manufactured Home/Mobil home Installations when submitted by applicants.
- (9) Review requests submitted to the Building Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Article 7 of these Regulations.
- (10) Coordinate with the Building Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (11) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to

maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

- (12) Require applicants who propose alteration of a watercourse to notify adjacent communities and the NFIP State Coordinating Agency, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (13) Inspect development in accordance with Article 6 of these Regulations and inspect flood hazard areas to determine when development is undertaken without issuance of permits.
- (14) Prepare comments and recommendations for consideration when applicants seek variances for development other than buildings in accordance with Article 7 of these Regulations.
- (15) Cite violations in accordance with Article 8 of these Regulations.
- (16) Notify FEMA when the corporate boundaries of the City of Los Altos have been modified and provide a map and legal description of the changes in the corporate boundaries.

12.60.170 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

12.60.180 Department records. In addition to the requirements of the building code and these Regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these Regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of

substantial damage; required certifications and documentation specified by the building codes and these Regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these Regulations and the flood resistant provisions of the building codes.

ARTICLE 4 PERMITS FOR FLOODPLAIN DEVELOPMENT

12.60.190 Permits required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit for floodplain development. No permit shall be issued until compliance with the requirements of these Regulations and all other applicable codes and regulations has been satisfied. No building permit shall be issued based on Conditional Letters of Map Revision issued by FEMA. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine a permit for floodplain development is required in addition to a building permit.

12.60.200 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. The information provided shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Article 5 of these Regulations, including grading, excavation and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Include such other data and information required by the Floodplain Administrator to demonstrate compliance with these Regulations.

12.60.210 Validity of permit. The issuance of a permit for floodplain development under these Regulations or the building codes shall not be construed to be a permit for, or approval of, any violation of these Regulations, the building code, or any other Ordinance of the community. The issuance of a permit for floodplain development based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these Regulations.

12.60.220 Other permits required. The applicant shall obtain all other required state and federal permits prior to initiating work authorized by these Regulations and shall provide documentation of such permits to the Floodplain Administrator. Such permits include but are not limited to the California State Water Resources Control Board for activities that affect wetlands and alter surface

water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

12.60.230 Expiration. A permit for floodplain development shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each unless FEMA has issued notification of revision to the Flood Insurance Rate Study and Flood Insurance Rate Maps that alter the flood hazard area or floodway boundaries, flood zones, or base flood elevations, in which case the permit is invalid.

12.60.240 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit for floodplain development issued under these Regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of these Regulations or any Ordinance or code of this community.

12.60.250 Appeals of decisions. When it is alleged there is an error in any decision or determination made by the Floodplain Administrator in the interpretation or enforcement of these Regulations, such decision or determination may be appealed to the City Manager by filing a written appeal setting forth the reasons of the appeal.

ARTICLE 5 SITE PLANS AND CONSTRUCTION DOCUMENTS

12.60.260 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these Regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas; floodway boundaries and flood zone(s); base flood elevation(s); ground elevations; proposed filling, grading, and excavation; and drainage patterns and facilities when necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 12.60.270 or Section 12.60.280 of these Regulations.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 12.60.270 (2) of these Regulations.
- (4) Location of the proposed activity and proposed structures; locations of water supply, sanitary sewer, and other utilities; and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

12.60.270 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator is authorized to:

- (1) Require the applicant to include base flood elevation data prepared by a qualified CA Licensed Civil Engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified CA Licensed Civil Engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data in accordance with Section 12.60.270 (1) of these Regulations; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

12.60.280 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of these Regulations, the applicant shall have the following analyses signed and sealed by a qualified CA Licensed Civil Engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 12.60.290 of these Regulations and shall submit the Conditional Letter of Map Revision, when issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the Flood Insurance Study or on the FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and

anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices that demonstrates the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 12.60.290 of these Regulations. The applicant shall notify the chief executive officer of adjacent communities and the California Department of Water Resources. The Floodplain Administrator shall maintain a copy of the notification in the permit records and shall submit a copy to FEMA.

12.60.290 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Provided FEMA issues a Conditional Letter of Map Revision, construction of proposed flood control projects and land preparation for development are permitted, including clearing, excavation, grading, and filling. Permits for construction of buildings shall not be issued until the applicant satisfies the FEMA requirements for issuance of a Letter of Map Revision.

ARTICLE 6 INSPECTIONS

12.60.300 Inspections, in general. Development for which a permit for floodplain development is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these Regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these Regulations or the building code or other Ordinances shall not be valid.

12.60.310 Inspections of development other than buildings and structures. The Floodplain Administrator shall make or cause to be made, inspections of all development other than buildings and structures that is authorized by issuance of a permit for floodplain development under these Regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.

12.60.320 Inspections of manufactured homes installations. The Floodplain Administrator shall make or cause to be made, inspections of installation and replacement of manufactured homes in flood hazard areas authorized by issuance of a permit for floodplain development under these Regulations. Upon installation of a manufactured home and receipt of the elevation certification required in Section 12.60.580 of these Regulations the Floodplain Administrator shall inspect the installation or have the installation inspected.

12.60.330 Buildings and structures. The Building Official shall make or cause to be made,

inspections for buildings and structures in flood hazard areas authorized by permit, in accordance with the building code:

- (1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the building official.
- (2) **Final inspection.** Prior to the final inspection, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the building official.

ARTICLE 7 VARIANCES

12.60.340 Nature of variances. The considerations and conditions for variances set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be issued for a parcel of property with physical characteristics so unusual that complying with the requirements of these Regulations would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. The issuance of a variance is for floodplain management purposes only. Federal flood insurance premium rates are determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance.

It is the duty of the City of Los Altos to promote public health, safety and welfare and minimize losses from flooding. This duty is so compelling and the implications of property damage and the cost of insuring a structure built below flood level are so serious that variances from the elevation or other requirements in the building codes should be quite rare. The long term goal of preventing and reducing flood loss and damage, and minimizing recovery costs, inconvenience, danger, and suffering, can only be met when variances are strictly limited. Therefore, the variance requirements in these Regulations are detailed and contain multiple provisions that must be met before a variance can be properly issued. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

12.60.350 Variances; general. The City Manager shall hear and decide requests for variances from the strict application of these Regulations.

12.60.360 Limitations on authority. The City Manager shall base its determination on technical justifications submitted by applicants, the considerations and conditions set forth in this article, the comments and recommendations of the Floodplain Administrator and Building Official, as applicable, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these Regulations and the building code.

12.60.370 Records. The Floodplain Administrator shall maintain a permanent record of all variance actions, including justification for issuance.

12.60.380 Historic structures. A variance is authorized to be issued for the repair,

improvement, or rehabilitation of a historic structure upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure. When the proposed work precludes the structure's continued designation as a historic building, a variance shall not be granted and the structure and any repair, improvement, and rehabilitation shall be subject to the requirements of the building code.

12.60.390 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analyses required in Section 12.60.280(1) of these Regulations.

12.60.400 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the criteria in Section 1612 of the building code (CCR Title 24 Part 2) or Section R322 of the residential code (CCR Title 24 Part 2.5) are met, as applicable, and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damages during the base flood and create no additional threats to public safety.

12.60.410 Considerations for issuance of variances. In reviewing applications for variances, all technical evaluations, all relevant factors, all other requirements of these Regulations and the building code, as applicable, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, if applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

12.60.420 Conditions for issuance of variances. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these Regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or future property owners, or conflict with existing local laws or Ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) When the request is to allow construction of the lowest floor of a new building or substantial improvement of a building below the base flood elevation, notification to the applicant in writing over the signature of the Floodplain Administrator specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that issuance of a variance to construct below the elevation required in the building code will result in increased premium rates for federal flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the required elevation increases risks to life and property.
- (6) Written agreement signed by the recipient of a variance to allow construction of the lowest floor below the required elevation to record the variance in the Office of the Santa Clara County Recorder in a manner so that it appears in the chain of title of the property.

ARTICLE 8 VIOLATIONS

12.60.430 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of the elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these Regulations or the building code, is presumed to be a violation until such time as required documentation is submitted. Violation of the requirements shall constitute a misdemeanor.

12.60.440 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the building codes, but is regulated by these Regulations and that is determined to be a violation.

12.60.450 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

ARTICLE 9 DEFINITIONS

12.60.460 General. The following words and terms shall, for the purposes of these Regulations, have the meanings shown herein. Where terms are not defined in these Regulations and are defined in the building code (CCR Title 24 Part 2) and used in the residential code (CCR Title 24 Part 2.5), such terms shall have the meanings ascribed to them in those codes. Where terms are not defined in these Regulations or the building code, such terms shall have ordinarily accepted meanings such as the context implies.

12.60.470 Definitions

“Accessory Structure” means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

“Agricultural Structure” means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“ASCE 24” means the standard *Flood Resistant Design and Construction*, referenced by the building code, developed and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.

“Base flood” means the flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in CCR Title 24 Part 2.]

“Base flood elevation” means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in CCR Title 24 Part 2.]

“Basement” means, for the purpose of floodplain management, the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in CCR Title 24 Part 2.]

“Building code” means California Code of Regulations Title 24, the *California Building Standards Code*, the family of building codes specifically adopted by the State of California and composed of:

- (1) Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
- (2) Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.

- (3) Part 10, applicable to existing buildings (as defined in that code).
- (4) Other specified codes.

“Design flood” means the flood associated with the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

- (1) Area with a flood plain subject to a 1-percent or greater chance of flooding in any year.
- (2) Area designated as a flood hazard area on a community’s flood hazard map, or otherwise legally designated.

“Design flood elevation” means the elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm). [Also defined in CCR Title 24 Part 2.]

“Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations, flood control projects, and other land-disturbing activities.

“Encroachment” means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

"Exceptional hardship" means, for the purpose of variances from these Regulations or the building code, the exceptional difficulty that would result from a failure to grant a requested variance. Mere economic or financial hardship is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors do not, as a rule, qualify as exceptional hardships. All of these circumstances can be resolved through other means without granting variances, even when the alternatives are more expensive or require the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before July 24, 1980.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding.

“Flood control project” means a dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

“Flood damage-resistant materials” means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in CCR Title 24 Part 2.]

“Flood hazard area” means the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

“Flood Insurance Rate Map (FIRM)” means an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. [Also defined in CCR Title 24 Part 2.]

“Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data. [Also defined in CCR Title 24 Part 2.]

“Floodplain Administrator” means the Community Development Director or his or her designee, to leave in administer and enforce the floodplain management regulations.

“Floodway” means the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Also defined in CCR Title 24 Part 2.]

“Fraud or victimization” means, for the purpose of variances from these Regulations or the building code, the intentional use of deceit to deprive another of rights or property, making a victim of the deprived person or the public. As it pertains to buildings granted variances to be constructed below the elevation required by the building code, future owners or tenants of such buildings and the community as a whole may bear the burden of increased risk of damage from floods, increased cost of flood insurance, and increased recovery costs, inconvenience, danger, and suffering.

“Functionally dependent use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding or ship repair facilities. The term does not include long-term storage, manufacture, sales or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the inventory of historic places maintained by the California Office of Historic Preservation; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the California Office of Historic Preservation.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light-duty truck” means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the building codes. [Also defined in CCR Title 24 Part 2.]

“Manufactured home” means a structure that is transportable in one or more sections, built on a permanent chassis, designed for use as a single-family dwelling with or without a permanent foundation when connected to the required utilities, and constructed to the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development. Also see definitions in Health and Safety Code Sections 18000(a)(2) and 18001(a). For the purposes of floodplain management, the term also includes mobile homes and recreational vehicles, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these Regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) a qualified independent appraiser.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after July 24, 1980.

“Nuisance” means that which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Permit for floodplain development” means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specified development activities that are located in flood hazard areas and that are determined to be compliant with these Regulations.

“Recreational vehicle” means a vehicle that is built on a single chassis, 400 square feet (37.16 m²) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use when it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Also see definitions in Health and Safety Code section 18010.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area (SFHA)" means the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. [Also defined in CCR Title 24 Part 2.]

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Also defined in CCR Title 24 Part 2.]

"Substantial improvement" means any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. When the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in CCR Title 24 Part 2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Utility and Miscellaneous Group U" means buildings and structures of an accessory character and miscellaneous structure not classified in any special occupancy, as described in the building code.

"Variance" means a grant of relief from the requirements of these Regulations which permits construction in a manner otherwise prohibited and where specific enforcement would result in exceptional hardship.

"Violation" means a development that is not fully compliant with these Regulations or the flood provisions of the building code, as applicable.

"Watercourse" means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

ARTICLE 10 BUILDINGS AND STRUCTURES

12.60.480 Requirements for buildings and structures in flood hazard areas. Applications for building and structures within the scope of the building code that are proposed in flood hazard areas shall comply with the applicable requirements of the building code and local amendments to the building code specified in Title 12 Buildings and Construction.

12.60.490 Detached garages and accessory storage structures. Detached garages and accessory storage structures used only for parking or storage (and cannot be attached to any structure used for human habitation or converted to a use for human habitation) are permitted below the base

flood elevation provided the garages and accessory storage structures:

- (1) Are one story and not larger than 400 square feet in area when located in special flood hazard areas.
- (2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (3) Have flood openings in accordance with the building code.
- (4) Have flood damage-resistant materials used below the base flood elevation.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.

12.60.500 Utility and Miscellaneous Group U. Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers. In addition to the building code requirements for fire and life safety, the following shall apply to utility and miscellaneous Group U buildings and structures in flood hazard areas:

- (1) New construction and substantial improvement of such buildings and structures shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.
- (2) New construction and substantial improvement of such buildings and structures, when fully enclosed by walls, shall be elevated such that the lowest floor, including basement, is elevated to or above the design flood elevation in accordance with ASCE 24 or shall be dry floodproofed in accordance with ASCE 24.
- (3) Unless dry floodproofed, fully enclosed areas below the design flood elevation shall be constructed in accordance with ASCE 24 and limited to parking, storage, and building access.
- (4) When fully enclosed by walls, flood openings shall be installed in accordance with ASCE 24.
- (5) Flood damage-resistant materials shall be used below the design flood elevation.
- (6) Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be located or installed in accordance with ASCE 24.

ARTICLE 11 SUBDIVISIONS

12.60.510 Minimum requirements. Subdivision proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
- (2) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage in accordance with Section 12.60.540 and Section 12.60.550 of these Regulations, as applicable, and appropriate codes.

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

12.60.520 Subdivision requirements. In addition to the requirements of Section 302-1 of these Regulations, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, as appropriate, shall be delineated on preliminary subdivision plats.
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12.60.270(1) of these Regulations.
- (3) When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

ARTICLE 12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

12.60.530 Minimum requirements. All proposed development in flood hazard areas shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
- (2) Where the proposed development has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12.60.270(1) of these Regulations.
- (3) All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage.
- (4) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

12.60.540 Sanitary sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

12.60.550 Water supply facilities. All new and replaced water supply facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

12.60.560 Development in floodways. Development, site improvements and land disturbing activity involving fill or regrading shall not be authorized in the floodway unless the floodway

encroachment analysis required in Section 12.60.280(1) of these Regulations demonstrates the proposed work will not result in any increase in the base flood level during occurrence of the base flood discharge.

12.60.570 Limitations on placement of fill. Subject to the limitations of these Regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures, fill shall comply with the requirements of the building code. The placement of fill intended to change base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs shall be subject to the requirements of Section 12.60.290 of these Regulations.

ARTICLE 13 INSTALLATION OF MANUFACTURED HOMES

12.60.580 Installation. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to the Business and Professions Code and shall comply with the requirements of the Department of Housing and Community Development (HCD) and the requirements of these Regulations. In addition to permits pursuant to these Regulations, permits from the HCD are required where the HCD is the enforcement agency for installation of manufactured homes. Upon completion of installation and prior to the final inspection by the Floodplain Administrator, the installer shall submit certification of the elevation of the manufactured home, prepared by a licensed land surveyor or registered civil engineer, to the Floodplain Administrator.

12.60.590 Foundations. All new and replacement manufactured homes, including substantial improvement of manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of Section R322.2 of the residential code (CCR Title 24 Part 2.5) and these Regulations. Foundations for manufactured homes subject to Section 12.60.620 of these Regulations are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

12.60.600 Anchoring. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind loads and seismic loads.

12.60.610 General elevation requirement. Unless subject to the requirements of Section 12.60.620 of these Regulations, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the lowest floor, or bottom of the lowest horizontal member of the lowest floor, as applicable to the flood hazard area, is at or above the base flood elevation.

12.60.620 Elevation requirement for certain existing manufactured home parks and

subdivisions. Manufactured homes that are not subject to Section 12.60.610 of these Regulations, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as a result of flooding has occurred, shall be elevated such that either the:

- (1) Lowest floor, or bottom of the lowest horizontal structural member, as applicable to the flood hazard area, is at or above the base flood elevation.
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

12.60.630 Flood damage-resistant materials. Materials below elevated manufactured homes shall comply with the flood-damage resistant materials requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

12.60.640 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the enclosed area requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

12.60.650 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the lowest floor or bottom of the lowest horizontal structural member of the manufactured home, as applicable to the flood hazard area.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 12.60.610 or Section 12.60.620, as applicable, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE 14 RECREATIONAL VEHICLES

12.60.660 Temporary placement. Recreational vehicles in flood hazard areas, shall be placed on a site for less than 180 consecutive days or shall be fully licensed and ready for highway use. Ready for highway use means the recreational vehicle is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, such as rooms, stairs, decks and porches.

12.60.670 Permanent placement. Recreational vehicles that do not meet the limitations in Section 12.60.660 for temporary placement shall meet the requirements of Article 14 for manufactured homes.

ARTICLE 15 OTHER DEVELOPMENT

12.60.680 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these Regulations or the building code, shall:

- (1) Be located and constructed to minimize flood damage.
- (2) Meet the limitations of Section 12.60.560 of these Regulations when located in a regulated floodway.
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (4) Be constructed of flood damage-resistant materials.
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

12.60.690 Tanks. Tanks that serve buildings shall comply with the requirements of the building code. Underground and above-ground tanks that serve other purposes shall be designed, constructed, installed and anchored in accordance with ASCE 24.

12.60.700 Requirements for temporary structures and temporary storage in flood hazard areas. Temporary structures shall be erected for a period of less than 180 days and temporary storage of goods and materials shall be permitted for a period of less than 180 days. Extensions may be granted in accordance with Section 12.60.230 of these Regulations. In addition, the following apply:

- (1) Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.
- (2) Temporary stored materials shall not include hazardous materials.
- (3) The requirements of Section 12.60.560 of these Regulations, when located in floodways.

12.60.710 Fences in floodways. Fences in floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 12.60.560 of these Regulations.

12.60.720 Oil derricks. Oil derricks located in flood hazard areas shall be designed in conformance with flood loads required by the building code.

12.60.720 Retaining walls, sidewalks and driveways in floodways. Retaining walls and sidewalks and driveways that involve placement of fill in floodways shall meet the limitations of Section 12.60.560 of these Regulations and the requirements for site grading in Chapter 18 of the building code.

12.60.730 Roads and watercourse crossings in floodways. Roads and watercourse crossings that encroach into floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side shall meet the limitations of Section 12.60.560 of these Regulations. Alteration of a watercourse that is part of work proposed for a road or watercourse crossing shall meet the requirements of Section 12.60.280(3) of

these Regulations.

12.60.740 Swimming pools. Above-ground swimming pools, on-ground swimming pools, and in-ground swimming pools that involve placement of fill in floodways shall meet the requirement of Section 12.60.560 of these Regulations.

ARTICLE 16 FLOOD CONTROL PROJECTS

12.60.750 Flood control projects; general. In addition to applicable Federal, State and other local permits, a permit for floodplain development is required for construction of flood control projects. The purpose for the permit is to examine the impact on flood hazard areas, floodways, and base flood elevations shown on the FIRM. Unless otherwise authorized by separate regulations, issuance of this permit does not address the sufficiency of the structural elements of the proposed flood control project. Permits for floodplain development and building permits in areas affected by proposed flood control projects shall not be issued based on Conditional Letters of Map Revision issued by FEMA.

12.60.760 Flood control projects; applications. Applications for permits for flood control projects shall include documentation including but not limited to:

- (1) Site plan or document showing the existing topography and the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations shown on the FIRM.
- (2) Site plan or document showing the proposed topography and the proposed changes to the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations.
- (3) The documentation submitted to FEMA for a Conditional Letter of Map Revision (CLOMR) and, if issued, the Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. A CLOMR is required when a proposed flood control project alters a floodway and increases base flood elevations more than greater than 0.00 feet, or alters a watercourse a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated and increases base flood elevations more than 1.0 foot.

SECTION 3. APPLICABILITY. For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Los Altos. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. CEQA. The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is exempt from CEQA under CEQA Guidelines, § 15307 and 15308 which consists of actions taken by regulatory agencies as authorized by state law or local Ordinance to assure the maintenance,

restoration, or enhancement of a natural resource and/or the environment where the regulatory process involves procedures for protection of the environment.

SECTION 6. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

FREQUENTLY ASKED QUESTIONS

ABOUT THE 2020 CALIFORNIA BUILDING CODE-COORDINATED FLOODPLAIN MANAGEMENT MODEL ORDINANCES

In 2020, the Floodplain Management Branch of the California Department of Water Resources released model floodplain management ordinances that are written explicitly to rely on the flood provisions of the California Building Standards Code (Cal. Code of Regs., Title 24) for buildings and structures in flood hazard areas.

Many common questions about the model ordinance are answered in the FAQs that follow. The Instructions & Notes that accompany the model ordinances explain the process to tailor the models for individual communities. One model ordinance is for coastal communities (with flood zones designated with the letters “A” and “V”) and one model ordinance is for communities that have only flood zones designated with the letter “A”. A separate version is available for communities that elect to adopt Appendix G of CCR Title 24, Part 2.

Download materials related to the model ordinance and excerpts of the flood provisions in the California Building Standards Code (CCR Title 24) at the DWR Office of Floodplain Management web site: <https://water.ca.gov/nfip/>

Frequently Asked Questions

1. Are we required to use the DWR floodplain management model ordinance that is written to rely on the building code for buildings in special flood hazard areas? 2
2. Has FEMA approved the building code-coordinated floodplain management model ordinance? 2
3. If we use the building-coordinated ordinance, will we have to modify our floodplain management regulations every time the building code is updated? 3
4. What are the top six tips that will help us work with the model ordinance? **Error! Bookmark not defined.**
5. What are the seven most common errors made when customizing the model ordinance? 3
6. Does the Building Official have to be designated the Floodplain Administrator? 4
7. Can we delete provisions in the ordinance that don't apply to us? 4
8. Many communities, especially those in the NFIP Community Rating System, have previously adopted some "higher standards" that exceed the NFIP minimum requirements. Can they keep those higher standards? 4
9. What are "technical amendments" to the building code? 4
10. If our draft ordinance has already been reviewed, should we send it back if we've made additional edits? 5
11. What do we do after we adopt the floodplain management ordinance (and building code technical amendments, if applicable)? 5

1. Are we required to use the DWR floodplain management model ordinance that is written to rely on the building code for buildings in special flood hazard areas?

No, but the model ordinance is carefully crafted to meet NFIP requirements and to explicitly rely on the building code (CCR Title 24). All California communities are required to enforce the building code, which sets up potential conflict with requirements for buildings that are in local floodplain management regulations. Repealing and replacing existing floodplain management regulations with regulations based on the code-coordinated model ordinance eliminates duplication and conflicts with the building code. However, it must be done carefully to ensure individual community-specific requirements are incorporated into the model, especially higher standards that affect the design of buildings (see Questions #9 and #10). Attempting to modify existing regulations to selectively replace requirements for buildings with references to the building code is not recommended.

2. Has FEMA approved the building code-coordinated floodplain management model ordinance?

Yes. The FEMA Region IX office approved the model ordinance in April 2020. The NFIP Checklist that documents consistency is available at <https://water.ca.gov/nfip/>.

FEMA's approval is important: it means communities that use the model as the basis for their local floodplain management regulations will have rules that are both consistent with the NFIP and also coordinated with the building code.

3. If we use the building-coordinated ordinance, will we have to modify our floodplain management regulations every time the building code is updated?

No, if your community does not adopt local technical amendments to the building code.

Yes, if your community adopts local technical amendments to the building code then the standard triennial re-adoption is required (see Questions #9 and #10). Whether that re-adoption requires modifying the floodplain management regulations depends on where the building code amendments are located in your community's code of ordinances.

However, as with every new edition of the California Building Standards Code, local floodplain managers and building officials should pay attention to whether there are any changes in flood provisions in the building code. The flood provisions originate from FEMA's participation in developing the International Codes on which the California Building Standards Codes are based. DWR Office of Floodplain Management posts the excerpts of the flood provisions in the building code along with a list of changes from the previous edition.

4. What are the seven most common errors made when customizing the model ordinance?

The most common errors can be avoided by reading the Instructions & Notes and getting in touch with us if you have questions. The model ordinance was carefully prepared and has been approved by FEMA. It, along with the building code, has everything necessary to meet the requirements of the NFIP.

Error #1. Adding language from existing regulations to incorporate requirements for buildings – obviating the objective to rely on the building code for buildings in SFHAs. Do not copy text from your existing regulations into the model ordinance. Download excerpts of the flood provisions of CCR Title 24 here <https://water.ca.gov/nfip/>.

Error #2. Deleting whereas statements or sections of the ordinance (e.g., Warning, Disclaimer of Liability, Severability). Certain legal elements are required under the NFIP, so even if the ordinance is being adopted as an addendum or as part of a wholesale update to Land Development Regulations for example, we will have to see and approve the adopting language.

Error #3. Using another community's ordinance as the starting point. Please start with the FEMA-approved model ordinance. The exception to this is municipalities that have or will have intergovernmental agreements with another community, in which case there are benefits to having similar regulations. Please contact DWR or FEMA NFIP staff for assistance before you decide to use another community's ordinance as your starting point. Please note intergovernmental agreements should be in writing.

Error #4. Using incorrect dates in the definitions. Follow the instructions to find the correct date for your community. It may or may not be the same as the date adjacent communities joined the NFIP).

Error #5. Ignoring DWR or FEMA NFIP staff edits, comments, and questions. Please ask questions if you don't understand or disagree with our edits and comments. Also, once a draft is started, don't start a new draft. Remember, our job is to help you produce an ordinance that meets DWR and FEMA requirements.

Error #6. Making changes AFTER review by DWR or FEMA NFIP staff and not obtaining another review. What may appear to you or your attorney to be minor changes can easily result in a noncompliant ordinance that could require another visit to council/commission to correct.

Error #7. Modifying definitions to try to capture higher standards, inserting language in the wrong places, or not properly formatting building code amendments. Instructions and language for many higher standards are available here <https://water.ca.gov/nfip/>.

5. Does the Building Official have to be designated the Floodplain Administrator?

No. Communities should designate the position of a qualified staff member who is knowledgeable about floodplain management to fulfill the broad range of responsibilities of the Floodplain Administrator or who supervises staff performance of those responsibilities. It is common to designate a department head, planning manager, building official, or a town manager, who then delegates functions. By law, the building official is responsible for enforcing the building code. If a building official is also designated as the Floodplain Administrator, the official functions under the authority of the FPM regulations, not the building code.

Communities with intergovernmental agreements with other communities – and communities with private providers of building code services – must designate a position *from their communities* with ultimate authority to enforce the community’s floodplain management ordinance and to fulfill commitments to the NFIP.

6. Can we delete provisions in the ordinance that don’t apply to us?

In general, no. The first step is to ensure you’re considering the correct version of the model ordinance based on the flood zones in your community. There are two versions: one for communities with both A Zones and V Zones and another for communities with only A Zones. Do not start with the A&V version and attempt to modify to create an A-only version. If there are other provisions that don’t apply in your community, check with DWR or FEMA NFIP staff before deleting any sections or provisions. Under some circumstances and with proper documentation, we may be able to approved removing some provisions. .

7. Many communities, especially those in the NFIP Community Rating System, have previously adopted some “higher standards” that exceed the NFIP minimum requirements. Can they keep those higher standards?

Yes. However, every community that has “higher standards” that exceed the NFIP minimum requirements needs to identify which of those higher standards they wish to retain. CRS communities should pay particular attention to any higher standard that receives credit and decide whether to retain those requirements. Some higher standards can be accomplished by modifying the model ordinance. Some require formatting as local amendments to the building code.

DWR has General Instructions for Higher Standards and instructions for several higher standards available here <https://water.ca.gov/nfip/>. The instructions refer to the Building Commission’s guidance for local amendments. For other higher standards or locally-specific provisions, we will review new ordinance language you prepare or we can help draft new language.

8. What are “technical amendments” to the building code?

A technical amendment to the building code is a locally adopted provision that modifies the California Building Standards Code, CCR Title 24. Only local amendments that make the code more restrictive are allowed. State law authorizes local governments to enact ordinances making building standards amendments to the building code. The law includes specific

requirements for the basis for a local amendment, how the amendment language and documents must be prepared, and how the amendment must be filed with either the California Building Standards Commission, the Department of Housing and Community Development or other state agencies as required. Building code amendments must be re-adopted every time the California Building Standards Commission adopts a new edition of the code (every three years).

More detail and a link to the California Building Standards Commission web site are included in the General Instructions for Higher Standards.

9. If our draft ordinance has already been reviewed, should we send it back if we've made additional edits?

Yes. Even minor edits may result in a noncompliant ordinance that will require follow up action to correct. Remember, the model was approved by FEMA – that means care must be taken when making any changes. While we have some degree of flexibility to tailor the ordinance, we must be careful not to modify certain sections and phrasing that are important for NFIP compliance. It is best to allow us to review all edits.

10. What do we do after we adopt the floodplain management ordinance (and building code technical amendments, if applicable)?

- Send a copy of the fully executed ordinance to DWR or FEMA NFIP staff: DWR_NFIP@water.ca.gov or FEMA-NFIP-R9@fema.dhs.gov. We will do a final review to complete the process.
- If you adopted technical amendments to the building code, you must submit the amendments to the California Building Commission. Consult the Building Commission's *Guide for Local Amendments of Building Standards*. Send local ordinances that adopt local building code amendments to OrdinanceFilings@dgs.ca.gov before the local amendments are enforceable. Some amendments must be filed with the Department of Housing and Community Development. Send general questions to cbsc@dgs.ca.gov.

DWR/August 2020



DISCUSSION ITEM

Agenda Item # 11

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Friends of the Library License Agreement

Prepared by: Manuel A. Hernandez, Maintenance Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Report from Friends of the Library
2. Draft License Agreement

Initiated by:

Staff

Previous Council Consideration:

June 25, 2019

July 9, 2019

January 28, 2020

Fiscal Impact:

The proposed license agreement will permit the Friends of the Library to utilize space on the Civic Center campus at no cost to Friends of the Library. The Friends of the Library will provide for any improvements to the site and utility service for those improvements at no cost to the City.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to provide use of City land to the Friends of the Library (FOL) at the current location?
- If Council wishes to provide the use of the City land to the Friends of the Library, does the Council wish to enter into a license agreement for the use of the land for 10-years or until a new library is built?

Summary:

- The FOL had been utilizing space at the Hillview Community Center for over 40 years at no cost to the Friends.
- The FOL donates approximately \$150k each year to the Los Altos Library.
- The FOL are currently using land at the Government Center for their storage and operations.
- The FOL want to utilize the City's property until the redevelopment of the main library

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Friends of the Library License Agreement

-
- The FOL preference for a long-term location is on the Government Center property.

Staff Recommendation:

If Council agrees that the FOL should stay in their current location on the Government Center property for 10-years, or until a new library is built, staff recommends Council directs staff to execute the draft License Agreement with the FOL.

Purpose

Consider the request for a limited-term License Agreement with the FOL to use city-owned land at the Government Center.

Background

The FOL is a non-profit that provides supplemental funding to the Los Altos Library. The FOL provides approximately \$150,000 annually to the library. The FOL operation was centered around space previously provided by the City at Hillview Community Center at no cost. Currently, the FOL is using space at the Government Center that equates to approximately 1,120 square feet in three temporary units across from the library and behind the Police Department.

At its January 28, 2020 meeting, City Council directed staff to work out an agreement that would allow the FOL to stay in their current location as a long-term solution (defined as after the opening of the new community center, until the opening of a new Los Altos main library). Staff has worked out a draft License Agreement with the FOL for the use of the current space as a long-term solution.

The proposed license agreement provides City-owned property for use at no cost to the FOL, but does not waive fees, require a financial contribution from the City, or limit or reduce any necessary reviews or approvals by City staff, City Boards or Commissions, or the City Council.

Discussion/Analysis

In 2019 an Ad Hoc Committee met seven times to look at alternate locations for the Friends storage and operations. After an extensive search and considering numerous City locations, a suitable location for the Friends was not found for recommendation to Council. A full analysis of the Ad Hoc Committee's work was presented to Council at the January 28, 2020 meeting.

Staff believes the current location being used for the FOL storage and operations is the most logical and functional at this time as well as long-term.

Options

- 1) Option #1



Subject: Friends of the Library License Agreement

City Council directs staff to execute the draft License Agreement with the friends of the Library for long-term usage of space on the Government Center property.

Advantages: Friends of the Library continues their service and financial support to the Los Altos Library through book sale events and the ongoing online and in-library sale of books in a location adjacent to the Library.

Disadvantages: None

2) Option #2

Do not execute License Agreement for the long-term placement of the Friends of the Library at the Government Center.

Advantages: None

Disadvantages: Friends of the library would not have the assurance of a long-term commitment for land use at this location. Decisions to invest into their facilities and operations would be affected.

Recommendation

The staff recommends Option 1.



P.O. Box 212, Los Altos, CA 94022
info@losaltoslibraryfriends.org
losaltoslibraryfriends.org

August 8, 2021

Purpose and Request

Today's request is to approve the initial term of the license agreement for use of City land that the City Council asked City Staff to complete with Friends of the Library. Since January 28, 2020, Friends and the City Staff have worked on a draft license agreement and the parties have now produced a mutually agreeable proposal. Friends is requesting an initial term of 10 years (see Section B.2) and emphasizes that it is not looking for a permanent location, simply a realistic bridge to a long-term home in a new library building or other suitable building in the Civic Center.

Discussion

Friends is a long-standing institution in the Los Altos community, having been formed more than 60 years ago to support the Los Altos Libraries. By sorting, pricing, and selling donated books we are able to donate approximately \$150,000 to the libraries each year to pay for: a dedicated collection of best seller and new books for our patrons; almost all children's and teen's programs; adult lectures; additional furniture; events and prizes for the summer reading program; as well as free books for local K-12 public school teachers. Our contributions enable more educational and enrichment opportunities than would be possible from County funds. Thousands of residents enjoy our Community Book Sales, the daily Ongoing Sale in both libraries and the Café in the Main Library (planned to restart in 2022), all operated by Friends volunteers. More than 100 volunteers regularly participate in all our efforts. Residents greatly appreciate having a convenient way to recycle their used books for a good cause.

The locations on the Civic Center campus, as well as within the Los Altos Main Library, that have been assigned to Friends (see images attached to this request) are advantageous in that they are close to the Main Library, the Community Center and LAYC. All of these locations are central to our operations and sales activities. Without easy access to them, Friends would not be able to function successfully.

Why has Friends requested a 10-year term? First, it would provide stability for our organization, allowing us to make operational plans to streamline book processing and accommodate new sales channels knowing that we will not have to start over again in just a few years.

Financially, 10 years allow Friends to optimize our monetary outlays for space, reserving more funding to support the library and community. A detailed cost analysis of our lease and purchase options show that a 10-year initial license term is Friends' most cost-effective option. In essence, it will

- Maximize funding support for library over the initial term,
- Minimize capital expense, and
- Minimize risk of an investment loss.

With the stability that comes from a 10-year agreement, Friends envisions a path to further consolidate our operations that will return Friends' space in the Los Altos Main Library to patrons and eliminate some of the book movement across the parking lot. Friends have begun to work within the City's Design Review process to evaluate our proposal and we plan to use existing reserves or fund raise to cover estimated costs associated with this process. (We estimate that these costs will range from \$21,000 for city fees to \$111,000 including the installation of utilities.) After the completion of the license agreement, we will continue to work with City Staff on this proposal.

Friends of the Library respectfully requests that the Council approve the license agreement with a 10-year initial term.

Background

Friends' operations and space requirements are completely dominated by the logistics of moving books and storing them for sale. Several times each week books are received from the community and stored in our sheds. Once space is available in our portable building for processing, the books are transported there daily. The typical weekly volume of donated books is 5,000. After sorting and pricing, books go five different ways - to ongoing sales in the libraries, to online sales, to storage for large community sales, to other non-profits who pay for marketable books, and to recycling. We have a small number of skilled volunteers who physically move this volume of books several times a week, without whom the operation would not happen. Our operation currently occupies 1,420 square feet of work and storage building space.

Since 1975, the City had provided space at no cost for Friends to operate, just as all other cities in the County do for their Friends of the Library organizations. This arrangement, along with the efforts of our volunteers, enabled us to contribute the vast majority of our annual revenues directly to the Los Altos Libraries.

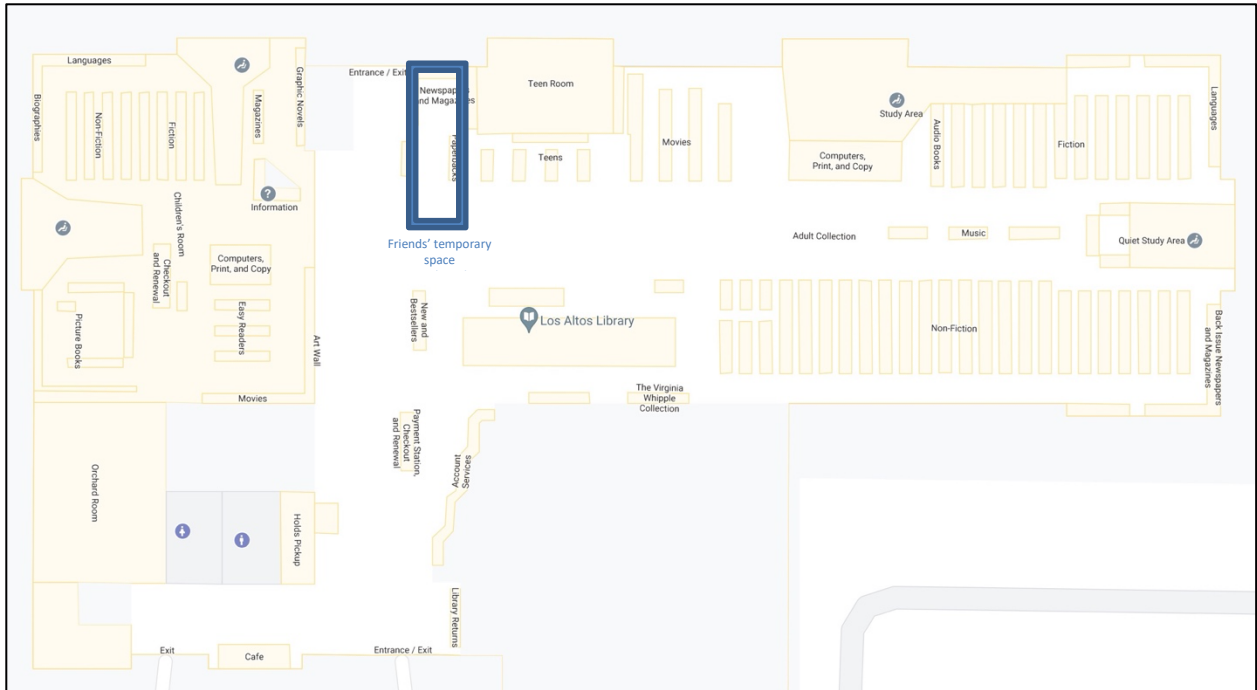
When we learned that Hillview was closing, Friends researched alternatives to the Hillview location that we were losing. We determined that the best way to continue contributing at a similar funding level and provide a meaningful and enjoyable experience for our hundreds of local volunteers each year is to continue to operate from the Civic Center campus. The donation room is in the Main Library, convenient to all. And, due to the extraordinary volume of donations, we wish to continue to move books in the most efficient and expeditious way possible, which necessitates working space in or near this library.

In January 2020 the City Council agreed to let Friends remain in the Civic Center if it bore the cost of its facilities. The Friends assigned space (aka the "Licensed Area") includes a 28' x 48' space near the soccer field, which houses the Friends portable structure and two spaces between the History Museum and Police Department – 12' x 16' and 16' x 18' – used for storage sheds.

In addition, the Los Altos Community Librarian with authorization from the Santa Clara County Library District has loaned Friends temporary workspace in the main library approximately 10' x 30' that used to house the periodical collection and patron seating. This extra space is critical to Friends for its internet sales inventory & processing, as well as the processing of some high-volume book genres. Friends understands that use of this space decreases available space for patrons in our already overcrowded Library. With a long-term license agreement, we may have an opportunity to consolidate all operations into one workspace, while maintaining storage in the existing sheds. Our community and library patrons would benefit not only from the return of the library space to the public but also from the reduced level of book movement across the busy parking lot and driveway.

Friends of the Library Assigned Work and Storage Areas

1. In Main Library (~300 sq. ft.)



2. Next to Soccer Field (1,344 sq. ft) 3. Between History Museum & Police Department (480 sq. ft.)



TEMPORARY LICENSE AGREEMENT

This Temporary License Agreement (“**Agreement**”) is dated for reference purposes only as of _____, 2021, by City of Los Altos, a municipal corporation (“**City**”), and Friends of the Library of Los Altos and Community, Inc., a California domestic nonprofit corporation (“**Licensee**”). City and Licensee are sometimes collectively referred to in this Agreement as the “**Parties**” or individually as a “**Party**”.

RECITALS

A. City is the owner of certain improved real property (“**Property**”) located in the City of Los Altos at 1 North San Antonio Road and commonly known as City Hall.

B. Licensee sells books through various channels, including periodic book sales on the Civic Center campus that provide the City and the Los Altos residents with a community event that is widely attended by the public. The book sales bring in funds that Licensee then provides to the Los Altos library to fund book and media collections and programs for the entire community. The City currently provides space on City’s Civic Center campus for Licensee, and desires to continue providing space thereon (subject to the terms and conditions set forth herein) to facilitate the Licensee’s support of the Los Altos library for the benefit of the City and community. Therefore, in consideration for Licensee’s services to the community and the benefits to City received by such services, City is willing to grant a temporary license for such use, on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the Parties agree as follows:

1. Grant of License. City grants to Licensee a temporary revocable license over the Licensed Area for the sole purpose of installing portable or temporary buildings (which installations shall be subject to City’s prior written consent, which shall not be unreasonably withheld) to (a) receive, process, sort, store, and prepare donated books and materials for sale; (b) sell such books and materials; and (c) hold meetings (the rights granted to Licensee pursuant to this Agreement being the “**License**”) during the License Term described in Section 2 below, and subject to all of the terms and conditions set forth in this Agreement. For purposes of the preceding sentence, it shall be deemed reasonable for the City to withhold its consent to installations if (among other reasons) such installations would (A) be inconsistent with the layout of the Property and/or City’s plans for the use of the Property and/or (B) cause any safety and or maintenance concerns. As used in this Agreement, “**Licensed Area**” means that portion of the Property outlined on Exhibit A attached hereto. The Licensed Area shall be accepted by Licensee in its “AS IS”, and “WITH ALL FAULT” condition existing as of the Commencement Date (defined in Section 2 below), without representation or warranty of any kind, express or implied, and without any obligation of City to perform any work with respect to the Licensed Area, and subject to Section 13 below. Licensee shall not cause any waste or nuisance upon the Licensed Area, shall not do or permit anything to be done in the Licensed Area which will increase the rate of any insurance upon any portion of the Property, or cause a cancellation of any insurance policy covering any portion of the Property. In no event shall City have any obligation to provide any security personnel, patrols or other security services for the benefit of Licensee or any other person or entity, or to ensure the safety of Licensee

or any other person or entity or their property. If City elects to provide any security personnel, patrols or other security services in connection with the Property, Licensee acknowledges that such services shall be solely for City's benefit, and Licensee shall not have to right to rely thereon. During the License Term, Licensee shall be solely responsible, at Licensee's sole cost, for taking all safety and security measures needed to ensure the safety and security of Licensee and any other person or entity coming onto the Licensed Area and for the protection of their property. City agrees that if Licensee shall perform all of the covenants and agreements herein required to be performed by Licensee, Licensee shall, subject to the terms of this Agreement (including, without limitation, the above), at all times during the continuance of this Agreement have the peaceable and quiet enjoyment of the Licensed Area, without ejection by City. Subject to City's prior written consent, which shall not be unreasonably withheld, Licensee may connect to utility hookups on the Property at Licensee's sole cost and expense. Upon Licensee's connection to any such utility hookups, City shall pay for all reasonably utility charges used by Licensee in the Licensed Area. As of the date first stated above, there are three (3) temporary structures located within the Licensed Area (which structures are shown on Exhibit A attached hereto) (the "**FOL Structures**"). City and Licensor hereby agree and acknowledge that Licensee (A) owns the FOL Structures, and (B) shall, on or before the expiration of the License Term (as defined in Section 2 below), (i) remove the FOL Structures from the Licensed Area, and (ii) otherwise restore the Licensed Area to its condition existing as of the date first stated above.

2. License Term; Effective Date. The term of the License granted by this Agreement (the "**License Term**") shall commence on the date of the last signature to this Agreement (the "**Commencement Date**"), and shall terminate at 11:59 p.m. on the date that is () years after the Commencement Date; provided, however, that the License Term shall continue thereafter on a year-to-year basis unless either party delivers at least one (1) year's prior written notice to the other providing that it elects to terminate this Agreement. Notwithstanding the License Term set forth above, if Licensee defaults with respect to any of its obligations under this Agreement (including without limitation Licensee's failure to timely delivery evidence of the insurance required by this Agreement) beyond the notice and cure period set forth in Section 6 below, City shall have the right to terminate this Agreement, and the License granted in this Agreement, immediately upon the delivery to Licensee of written notice of City's election to terminate. In no event shall the License ripen into a permanent right, notwithstanding any improvement made to the Licensed Area or action taken or expense incurred by Licensee pursuant to this Agreement, it being agreed that this License is temporary and terminable in accordance with the terms and conditions of this Agreement. This Agreement shall become effective when it has been signed by City and Licensee (the date of full execution being the "**Effective Date**").

3. License Fee. No fee is due from Licensee for the License granted by this Agreement.

4. Personal Nature of License. The License is personal to Licensee, and may not be assigned, transferred or encumbered by Licensee voluntarily, by operation of law or otherwise. Any assignment, transfer or encumbrance by Licensee shall be void. The use of the Licensed Area by Licensee and other users expressly permitted by this Agreement in accordance with the terms and conditions of this Agreement is expressly acknowledged to be, and shall remain, with the permission of City.

5. General Requirements. The License is subject to the following requirements and conditions, all of which shall be complied with by Licensee at Licensee's sole cost and expense:

Licensee's use of the Licensed Area (which for the purpose of this Agreement includes use by anyone claiming by, through or at the direction of Licensee, including without limitation Licensee's employees and couriers (collectively, the "**Licensee Related Parties**")) shall be conducted in compliance with all applicable laws. All permits and other governmental authorizations required in connection with Licensee's use of the Licensed Area shall be obtained by Licensee prior to any use of the Licensed Area or entry onto the Property.

Licensee shall maintain the Licensed Area in good, clean and safe condition throughout the License Term. Before the expiration or sooner termination of this Agreement, Licensee shall remove all of its property and the property of the Licensee Related Parties from the Licensed Area, repair all damage to the Property caused by the activities, negligence or willful misconduct of Licensee or any of the Licensee Related Parties, and shall surrender the Licensed Area to City at the end of the License Term clean and free of rubbish, and otherwise in at least as good a condition as it was in before the Effective Date. Licensee's obligations pursuant to this subsection (b) shall survive expiration or sooner termination of this Agreement.

In no event shall Licensee or any of the Licensee Related Parties generate, release, store or otherwise use on or about the Property any substance, material or waste which is regulated as a hazardous or toxic substance, material or waste under any applicable law.

In no event shall Licensee or any of the Licensee Related Parties have the right to improve or modify the Property.

Licensee shall keep the Property free and clear of all liens resulting from the activities of Licensee and the Licensee Related Parties upon the Property.

6. Events of Default. Any failure by Licensee or any of the Licensee Related Parties to comply with any other term, provision or covenant of this Agreement, within sixty (60) days written notice from the City, shall constitute a default under this Agreement. In the event of a default by Licensee hereunder, City, in addition to having the right to immediately revoke this Agreement and the License granted hereunder by written notice to Licensee, shall have the right to remove any persons claiming rights under this Agreement and Licensee's property from the Licensed Area, and to bar Licensee and all persons claiming rights under this Agreement from access to the Licensed Area, in accordance with applicable laws. In addition, City shall have all other remedies available to City at law or in equity. All rights and remedies of City are cumulative. To the fullest extent allowed by law, Licensee further agrees that City shall not be liable for any damages resulting to Licensee from such action, whether caused by the negligence of City or otherwise.

7. Insurance. Licensee shall maintain in full force throughout the License Term the following insurance:

Commercial General Liability. Commercial general liability insurance (at least as broad as the most commonly available ISO Commercial General Liability policy form CG 00 01), or such successor comparable form of coverage in the broadest form then available, for the mutual benefit of City and Licensee, against any and all claims and liabilities arising out of the activities of

Licensee and the Licensee Related Parties pursuant to this Agreement, providing coverage on an occurrence form basis with limits of not less than One Million Dollars (\$1,000,000) each occurrence for bodily injury and property damage combined, and One Million Dollars (\$1,000,000) annual general aggregate.

Each policy of insurance required under this Section 7 shall: (i) be in a form, and written by an insurer, reasonably acceptable to City, (ii) be maintained at Licensee's sole cost and expense, (iii) have a deductible amount not more than Twenty Five Thousand Dollars (\$25,000), and (iv) require at least thirty (30) days' written notice to City prior to any cancellation, nonrenewal or modification of insurance coverage, provided that if the insurance company is unable or unwilling in accordance with standard industry practice to give the requested notices, then Licensee shall be required to provide such notices to City. Insurance companies issuing such policies shall have rating classifications of "A" or better and financial size category ratings of "VII" or better according to the latest edition of the A.M. Best Key Rating Guide. All insurance companies issuing such policies shall be licensed to do business in the State of California. Licensee shall provide to City, upon request, evidence that the insurance required to be carried by Licensee pursuant to this Section 7, including any endorsement effecting the additional insured status, is in full force and effect and that premiums therefor have been paid. Licensee's liability insurance policy or policies shall: (i) include premises and operations liability coverage, broad form property damage coverage including completed operations, blanket contractual liability coverage including, to the maximum extent possible, coverage for the indemnification, defense and hold harmless obligations of Licensee under this Agreement, and personal injury coverage; (ii) provide that defense costs are paid; (iii) cover liabilities arising out of or incurred in connection with Licensee's use of the Licensed Area; and (iv) extend coverage to cover liability for the actions of Licensee's employees and other representatives. Each policy of liability insurance required by this Section 7 shall: (i) contain a cross liability endorsement or separation of insureds clause; (ii) provide that any waiver of subrogation rights or release prior to a loss does not void coverage; (iii) provide that it is primary to and not contributing with, any policy of insurance carried by City covering the same loss; (iv) provide that any failure to comply with the reporting provisions shall not affect coverage provided to City, its partners, members, affiliate, property managers and mortgagees; and (v) name City as additional insured. In no event shall the limits of any policies maintained by Licensee or required by this Agreement be considered as limiting the liability of Licensee under this Agreement. Licensee shall be solely responsible for insuring that the amount of insurance maintained by Licensee is sufficient for Licensee's purposes.

8. Attorneys' Fees. If either Party hereto brings any legal action or proceeding to enforce, protect, interpret, or establish any term, condition, or covenant of this Agreement or right or remedy of either Party hereunder, the prevailing Party shall be entitled to recover, as a part of such action or proceeding, reasonable attorneys' fees and court costs, including reasonable attorneys' fees and costs for appeal.

9. LIMITATION ON LIABILITY. TO THE FULLEST EXTENT ALLOWED BY LAW, CITY SHALL HAVE NO LIABILITY TO LICENSEE FOR LOSS OR DAMAGE TO ANY VEHICLES USED ON THE LICENSED AREA OR ANY CONTENTS IN SUCH VEHICLES OR ANY OTHER PROPERTY OF LICENSEE OR ANY LICENSEE RELATED PARTIES OR FOR ANY INJURIES OR DEATH TO ANY PERSON IN OR ABOUT THE LICENSED AREA. TO THE FULLEST EXTENT ALLOWED BY LAW, THE LIABILITIES AND OBLIGATIONS OF

CITY AND LICENSEE UNDER THIS AGREEMENT OR RELATING TO THE LICENSED AREA SHALL NOT CONSTITUTE THE LIABILITIES OR OBLIGATIONS OF ANY OF CITY'S AGENTS, EMPLOYEES (AND/OR MEMBERS OF THE GENERAL PUBLIC) OR ANY OF LICENSEE'S AGENTS, AND/OR EMPLOYEES. TO THE FULLEST EXTENT ALLOWED BY LAW, THE LIABILITY OF CITY TO LICENSEE, ANY LICENSEE RELATED PARTIES OR ANYONE ELSE SHALL BE LIMITED TO THE INTEREST OF CITY IN THE LICENSED AREA OVER WHICH THE LICENSE HAS BEEN GRANTED, AND LICENSEE, THE LICENSEE RELATED PARTIES AND OTHERS SHALL LOOK SOLELY TO CITY'S INTEREST IN THE LICENSED AREA FOR THE RECOVERY OF ANY JUDGMENT OR AWARD AGAINST CITY. TO THE FULLEST EXTENT ALLOWED BY LAW, NEITHER CITY NOR ANY OF CITY'S MEMBERS, EMPLOYEES, PRINCIPALS, PARTNERS, SHAREHOLDERS, OFFICERS, DIRECTORS, TRUSTEES, BENEFICIARIES, CITIZENS OR AFFILIATES SHALL BE PERSONALLY LIABLE FOR ANY JUDGMENT, DEFICIENCY OR OTHER LIABILITY IN CONNECTION WITH THIS AGREEMENT OR THE LICENSED AREA. LICENSEE COVENANTS THAT, PRIOR TO THE FILING OF ANY SUIT FOR AN ALLEGED BREACH BY CITY, LICENSEE SHALL GIVE CITY NOTICE AND REASONABLE TIME TO CURE THE ALLEGED BREACH BY CITY.

10. RELEASE, INDEMNITY. LICENSEE, ON BEHALF OF ITSELF AND ALL LICENSEE RELATED PARTIES, AS A MATERIAL PART OF THE CONSIDERATION TO BE RENDERED TO CITY UNDER THIS AGREEMENT AND TO THE FULLEST EXTENT ALLOWED BY LAW, WAIVES AND RELEASES ALL CLAIMS AGAINST CITY FOR DAMAGES TO ALL PERSONAL PROPERTY IN, ON OR ABOUT THE LICENSED AREA, AND FOR INJURIES OR DEATH TO PERSONS IN OR ABOUT THE LICENSED AREA, FROM ANY CAUSE (INCLUDING WITHOUT LIMITATION THE ACTS OR OMISSIONS OF CITY) ARISING AT ANY TIME. FURTHER, TO THE FULLEST EXTENT ALLOWED BY LAW, LICENSEE AGREES TO INDEMNIFY, DEFEND AND HOLD CITY HARMLESS FOR, FROM AND ON ACCOUNT OF ALL CLAIMS, DAMAGES, LOSSES, EXPENSES, LIABILITIES, SUITS, LEGAL PROCEEDINGS OR JUDGMENTS (INCLUDING WITHOUT LIMITATION THOSE RELATING TO PERSONAL INJURY, DEATH OR PROPERTY DAMAGE), ARISING FROM OR RELATED TO THE USE OF THE LICENSED AREA BY OR ON BEHALF OF LICENSEE OR ANY OF THE LICENSEE RELATED PARTIES, INCLUDING ANY CLAIMS ASSERTING CITY'S ACTIVE NEGLIGENCE, BUT EXCLUDING LOSS OR DAMAGE ARISING DIRECTLY FROM CITY'S SOLE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT TO THE EXTENT NOT COVERED BY INSURANCE MAINTAINED BY LICENSEE OR REQUIRED TO BE INSURED AGAINST UNDER THIS AGREEMENT BY LICENSEE. TO THE FULLEST EXTENT ALLOWED BY LAW, CITY SHALL NOT BE LIABLE TO LICENSEE FOR ANY DAMAGE BY OR FROM ANY ACT OR NEGLIGENCE OF ANY OTHER USER OF THE LICENSED AREA OR ANY CITY, TENANT, OCCUPANT OR USER OF ADJOINING OR CONTIGUOUS PROPERTY. LICENSEE AGREES TO PAY FOR ALL DAMAGES TO THE LICENSED AREA CAUSED BY THE MISUSE OF THE LICENSED AREA BY LICENSEE OR ANY OF THE LICENSEE RELATED PARTIES OR OTHERS CLAIMING THROUGH LICENSEE. THE PROVISIONS OF THIS SECTION 10 SHALL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

11. Notices. Except as otherwise provided hereunder; any notice or communication to Landlord or Tenant shall be in writing and be mailed by certified mail, postage prepaid or given by personal or overnight delivery. Notices or communications shall be addressed to Landlord at:

City:

City of Los Altos
Attn: City Manager
Los Altos City Hall
1 N. San Antonio Road
Los Altos, CA 94022
Phone: (650) 947-2740
Fax: (650) 947-2731
Email: administration@losaltos.ca.gov

Friends of the Library of Los Altos
P.O. Box 212
Los Altos, CA 94023-0212
Email: president@losaltoslibraryfriends.org

12. Assignment. Licensee's rights under this Agreement and the License granted hereunder are personal to Licensee, and Licensee shall not assign, transfer or encumber this Agreement or the License or any interest therein or grant any license, concession or other right of occupancy of the Licensed Area or any portion thereof or otherwise permit the use of the Licensed Area or any portion thereof by anyone other than Licensee and the Licensee Related Parties (any of which events is hereinafter called a "**Transfer**"). Any attempted Transfer in violation of this Section shall be void. No legal title, easement or leasehold interest in the Property (including the Licensed Area) is created or vested in Licensee by the grant of the License. Subject to this Section 12 above, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and permitted assigns, and subsequent owners of the Property.

13. Signs and Advertising. Licensee shall not place or permit to be placed anywhere on or in or about the Property, any sign, decoration, lettering, advertising matter or descriptive material without City's prior written approval, which approval may be withheld in City's sole and absolute discretion. Subject to the foregoing, Licensee shall submit to City reasonably detailed drawings of its proposed signs for review and approval by City prior to utilizing same.

14. Bus Barn. In the event the structure located on the Property which is commonly known as the "Bus Barn" is no longer needed by City for its use (and/or its designee's use), then City shall endeavor to provide Licensee with notice of the Bus Barn's vacancy, and the opportunity for Licensee to propose terms on which Licensee may desire to lease (or obtain a license to use) the Bus Barn. Notwithstanding the foregoing and/or anything to the contrary contained herein, in no event shall Licensee be deemed to have a right of first offer, right of first refusal and/or any other right with respect to the Bus Barn, it being the intent of the parties that (A) City may elect to use (or not use) the Bus Barn for any reason (in City's sole and absolute discretion), and (B) City's sole

obligation under this Section 14 shall be to endeavor to provide Licensee with the notice described in the preceding sentence.

15. Relationship of Parties. The Parties hereto acknowledge and agree that Licensee is not an agent, employee or partner of City. The relationship between City and Licensee under this Agreement is that of owner/licensee and not that of principal/agent. In no event shall this Agreement or any acts of City or Licensee with respect to the Licensed Area or the property of Licensee or any Licensee Related Party located at the Licensed Area be construed as a bailment or be deemed to create the relationship of bailor or bailee between City and Licensee or any of the Licensee Related Parties.

16. Miscellaneous. If any term or provision of this Agreement or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law. Use of words of a specific gender shall include other genders, as appropriate. Licensee shall not record this Agreement or any memorandum of this Agreement. This Agreement and the rights and obligations of the Parties shall be interpreted, construed, and enforced in accordance with the laws of the State of California, without regard to choice of law principles. Time is of the essence for all acts required of Licensee under this Agreement. Notwithstanding anything to the contrary contained in this Agreement, the termination or revocation of the License Term, whether by lapse of time or otherwise, shall not relieve Licensee from Licensee's obligations accruing prior to the termination or revocation of the License Term, and such obligations shall survive any such termination or revocation of the License Term. The headings and titles to the paragraphs of this Agreement are for convenience of reference only and shall have no effect upon the construction or interpretation of any part of this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument. Signatures and initials to this Agreement created by the signer by electronic means and/or transmitted by telecopy or other electronic transmission shall be valid and effective to bind the Party so signing. Each Party agrees to promptly deliver an execution original to this Agreement with its actual signature and initials to the other Party, but a failure to do so shall not affect the enforceability of this Agreement, it being expressly agreed that each party to this Agreement shall be bound by its own electronically created and/or telecopied or electronically transmitted signature and initials and shall accept the electronically created and/or telecopied or electronically transmitted signature and initials of the other Party to this Agreement. There shall be no presumption against a Party by reason of any rule or conclusion that a document should be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that all Parties have participated in the negotiation of this Agreement and that legal counsel was consulted by each Party (or each Party was given the opportunity for such legal consultation) before signing this Agreement. This Agreement may be modified only in writing by City and Licensee.

LICENSEE EXPRESSLY ACKNOWLEDGES AND AGREES THAT CITY HAS NOT MADE AND IS NOT MAKING, AND LICENSEE, IN EXECUTING AND DELIVERING THIS AGREEMENT, IS NOT RELYING UPON, ANY WARRANTIES, REPRESENTATIONS, PROMISES OR STATEMENTS, EXCEPT TO THE EXTENT THAT THE SAME ARE EXPRESSLY SET FORTH IN THIS AGREEMENT. ALL UNDERSTANDINGS AND

AGREEMENTS MADE BETWEEN THE PARTIES WITH RESPECT TO THE LICENSED AREA ARE MERGED IN THIS AGREEMENT WHICH ALONE FULLY AND COMPLETELY EXPRESSES THE AGREEMENT OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF, NEITHER PARTY RELYING UPON ANY STATEMENT OR REPRESENTATION NOT EMBODIED IN THIS AGREEMENT. CITY AND LICENSEE EXPRESSLY AGREE THAT THERE ARE AND SHALL BE NO IMPLIED WARRANTIES OF MERCHANTABILITY, HABITABILITY, SUITABILITY OR FITNESS ARISING OUT OF THIS AGREEMENT, ALL OF WHICH ARE WAIVED BY LICENSEE, AND THAT THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THOSE WARRANTIES EXPRESSLY SET FORTH IN THIS AGREEMENT.

[Signature page follows]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below their signatures.

CITY:

CITY OF LOS ALTOS, a municipal corporation

By: _____

Name: _____

Its: _____

Dated: _____, 2021

LICENSEE:

FRIENDS OF THE LIBRARY OF LOS ALTOS
AND COMMUNITY, INC., a California domestic nonprofit corporation

By: _____

Name: Catharine Kristian

Its: President

Dated: _____, 2021

EXHIBIT A







DISCUSSION ITEM

Agenda Item # 12

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Temporary City Council Meeting Locations

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Gabe Engeland, City Manager

Attachment(s):

1. None

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Where does the Council wish to hold meetings once in person meetings resume?

Summary:

- Governor Newsom's Executive Order N-29-20 which suspends certain portions of the Brown Act and allows for all virtual Council meetings is set to expire on September 30, 2021
- The Council Chambers Audio/Visual Upgrade project is under construction and an alternate location will need to be identified for Council meetings during construction

Staff Recommendation:

Provide direction to staff for the location of City Council meetings upon expiration of State orders permitting entirely virtual meetings

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Temporary City Council meeting locations

Purpose

To determine locations for future City Council meetings

Background

On March 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Orders N-25-20 and N-29-20. These orders suspended certain elements of the Brown Act and specifically allow for Legislative Bodies (City Council, Commissions, Committees, etc.) to hold meetings entirely electronically with no physical meeting place. On March 17, 2020, the City Council held a Special Meeting and ratified and continued an Emergency Proclamation of the Existence of a Local Emergency Issued by the Director of Emergency Services. This proclamation continues to be in place.

On March 24, 2020, the City Council held an entirely virtual meeting and has continued to hold virtual meetings since that date. In addition, City Commissions and Committees have also held virtual meetings since Spring 2020.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 which states that the provisions in Executive Order N-29-20 suspending certain elements of the Brown Act will continue to apply through September 30, 2021. As of now, the City will no longer be able to hold entirely virtual meetings starting October 1, 2021. Rather, all meetings will be subject to the provisions of the Brown Act, including the requirements for a physical location.

Discussion/Analysis

As it is unknown whether further Executive Orders may be issued extending the suspension of certain elements of the Brown Act, it has become prudent for the City to begin planning for the return to in person meetings.

The City Council Chambers are currently under construction as part of the Council Chambers AV Upgrade project. Until this project is completed, it will be necessary to find an alternate location for Council meetings.

Prior to the COVID-19 pandemic, the City Council was meeting in the Los Altos Youth Center (LAYC). Alternatively, the Council could begin meeting in the new Community Center. The largest program room there is more comfortable than LAYC and is designed for large gatherings. For either facility, the City already has a stage and other equipment for the meetings.

In either option, the City will be able to continue live-streaming of City Council meetings either through Facebook Live or YouTube. In addition, staff will continue the process established during COVID-19 of including written comments received from the public in the meeting packet.



Subject: Temporary City Council meeting locations

Options

- 1) Hold City Council meetings in the new Community Center

Advantages: Will allow the City Council to meet in a comfortable room specifically designed to hold large gatherings.

Disadvantages: None identified

- 2) Hold City Council meetings in the Los Altos Youth Center

Advantages: The City Council has previously met in LAYC and staff is familiar with setting up the room for Council meetings.

Disadvantages: While Council meetings were held in LAYC, the City received some complaints that the facility can be uncomfortable. There is no air conditioning in the building and the heating system is old. In addition, the lighting in the facility is not ideal for City Council meetings and there can be issues with acoustics.

Recommendation

The staff recommends Option 1.



DISCUSSION ITEM

Agenda Item # 13

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Formation of a City Council Lehigh Hansen Stevens Creek Quarry Subcommittee

Prepared by: Andrea Chelemengos, City Clerk

Reviewed by: Jon Maginot, Deputy City Manager

Approved by: Gabe Engeland, City Manager

Attachment(s):

None

Initiated by: City Council

Previous Council Consideration:

None

Fiscal Impact:

Undetermined

Environmental Review:

This request for appointment of a City Council Lehigh Hansen Stevens Creek Quarry Subcommittee and direction of the City Council to the Subcommittee is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3) (Common Sense Exemption) and 15306 (Information Gathering) in that the proposed activity is intended solely for purposes of information gathering and to consider resident concerns. Actions of the Subcommittee may lead in the future to the formulation of environmental policies by the City of Los Altos, but at this time the City is not adopting, approving, or funding any activity with the potential to result in significant environmental effects, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

- Shall the City Council appoint a subcommittee for the Lehigh Hansen Stevens Creek Quarry issue?
- If yes, which members of the Los Altos City Council shall be appointed to serve on this subcommittee?
- If yes, what shall be the role or scope of the City Council Lehigh Hansen Stevens Creek Quarry Subcommittee?

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JM



Subject: Formation of a City Council Housing Element Subcommittee Lehigh Hansen Stevens Creek Quarry Subcommittee

Summary:

This item has been agendaized at the request of the City Council. It will allow the City Council an opportunity to discuss the formation a Lehigh Hansen Stevens Creek Quarry Subcommittee which can be composed of no more than two of its members.

Staff Recommendation:

Discuss the topic and determine if the creation of a subcommittee is appropriate, and if so, which two Council Members shall serve on the subcommittee.

Purpose:

The purpose and scope of the City Council Subcommittee shall be determined by Council.

Background:

At its June 8,2021 meeting, the City Council discussed Lehigh Hansen Stevens Creek Quarry and potential ways to address environmental issues and resident concerns raised relative to quarry expansion, air and water safety, impacts to Permanente Creek, the silos, the face, waste material storage, construction projects on the site, traffic and road impacts, and impacts of industrial uses of the sites. Council indicated an interest in and formation of a City Council Subcommittee to work on identifying impacts and potential solutions or recommendations to bring to the Council.

Discussion/Analysis:

The City Council is being asked to appoint a City Council Lehigh Hansen Stevens Creek Quarry Subcommittee having no more than two members and provide direction to the Subcommittee on its role and scope.

Options

- 1) Option #1 Appoint two members to a City Council Lehigh Hansen Stevens Creek Quarry Subcommittee and provide direction on the role and scope of the subcommittee.

Advantages: Will assist in identifying and addressing concerns and impacts of the Lehigh Quarry.

Disadvantages: None identified.



Subject: Formation of a City Council Housing Element Subcommittee Lehigh Hansen Stevens Creek Quarry Subcommittee

2) Option #2 Decline to appoint a City Council Lehigh Hansen Stevens Creek Quarry Subcommittee

Advantages: None

Disadvantages: Missed opportunity to address, avoid, and minimize potential adverse community and environmental impacts.

Recommendation:

The Staff recommends the City Council discuss and determine if the creation of a subcommittee is appropriate.



DISCUSSION ITEM

Agenda Item #11

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Delegate to League of California Cities Annual Conference and Business Meeting

Prepared by: Andrea Chelemengos, City Clerk

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Memo from the League of California Cities requesting Council action, with attachments

Initiated by:

League of California Cities

Previous Council Consideration:

Not applicable

Fiscal Impact:

There is no direct cost in designating a Delegate and Alternate; however, the Delegate and Alternate must be registered to participate. This year the conference will be held in Sacramento at a cost of \$550.00 per attendee plus associated travel and lodging expenses. Participation in this event has been budgeted for and there are sufficient funds in the budget for this purpose.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to designate a Delegate and Alternate to the League Conference?

Summary:

- The League of California Cities Annual Conference and Business Meeting will be held in Sacramento, September 22-24, 2021.

Staff Recommendation:

Move to designate one Council Members as the City's Voting Delegate and one Council Member as Alternate for the purpose of attending and voting at the League of California Cities Annual Conference and Business Meeting September 22-24, 2021.

Reviewed by:

GE
City Manager

N/A
Finance Dept.

N/A
City Attorney



Subject: Delegate to League of California Cities Annual Conference and Business Meeting

Purpose

Designation of a Delegate and Alternate to the League of California Cities Annual Conference

Background

The League of California Cities' Annual Conference will be held in Sacramento September 22-24, 2021. Cities designate a Delegate to represent the City at the Annual Business Meeting held on Friday, September 24, 2021.

Discussion/Analysis

The League of California Cities has advised the Council to take action and designate a Delegate and any Alternates by August 31, 2021.

Options

- 1) Designate a Delegate and Alternate

Advantages: The City will have a representative who is eligible to vote at the Annual Business Meeting

Disadvantages: None identified

- 2) Do not designate a Delegate and Alternate

Advantages: None identified

Disadvantages: The City will not have a representative to vote at the Annual Business Meeting

Recommendation

The staff recommends Option 1.

Council Action Advised by August 31, 2021
--

June 16, 2021

TO: City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – September 22-24, 2021**

Cal Cities 2021 Annual Conference & Expo is scheduled for September 22-24, 2021 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 24. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Wednesday, September 15. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note: Our number one priority will continue to be the health and safety of participants. We are working closely with the Sacramento Convention Center to ensure that important protocols and cleaning procedures continue, and if necessary, are strengthened. Attendees can anticipate updates as the conference approaches.

- **Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open mid-June at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.
- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but

only between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 22, 8:00 a.m. – 6:00 p.m.; Thursday, September 23, 7:00 a.m. – 4:00 p.m.; and Friday, September 24, 7:30 a.m.– 11:30 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 15. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2021 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to Cal Cities office by Wednesday, September 15, 2021. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 15, 2021 to:

Darla Yacub, Assistant to the Administrative Services Director

E-mail: dyacub@cacities.org

Phone: (916) 658-8254



DISCUSSION ITEM
AGENDA ITEM # 15

AGENDA REPORT SUMMARY

Meeting Date: August 24, 2021

Subject: Council Legislative Subcommittee Update And Potential Council Action

Report, if any, to be given verbally at the City Council meeting

City Manager

CJ

Reviewed By:

City Attorney

JH

Finance Director

SE



City of Los Altos

Los Altos Community Center



MONTHLY REPORT #22

JUNE 2021

PREPARED BY NOVA PARTNERS, INC.

Contents

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Project Summary	4
Activities Summary	5
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Project Budget Status	9
Appendix A. Budget Details	10

Los Altos Community Center

OWNER

City of Los Altos
Donna Legge
Manuel Hernandez
Peter Maslo
James Sandoval

ARCHITECT

Noll & Tam
Architects, Inc.
Janet Tam
James Gwise
Dora Pollak
Gavin Ross
Trina Goodwin

GENERAL CONTRACTOR

Gonsalves & Stronck
Construction, Inc.
Keith Gonsalves
Ken Gendotti
Lance Zurfluh
Craig Muhlenhaupt
Kyle Walker
Melanie Rivera

CONSTRUCTION MANAGER

Nova Partners, Inc.
David Marks
Joe Capps-Jenner
Saul Flores
Sam Tooley

The Los Altos Community Center will support play, learning and community gatherings and will be configured to maximize connections to existing amenities on the Civic Center campus and downtown.

The building will contain modern amenities, be sustainably designed and provide facilities that are both adequate and useful to the community. The architecture will be inviting and showcase the unique character of the City of Los Altos, with the building located in a beautiful park-like setting.



Project Summary

The Hillview Community Center located at 97 Hillview Avenue, Los Altos was constructed in the 1940s and 1950s as an elementary school and has served as a community center since 1975. The buildings were originally constructed as wood-frame and steel structures and had undergone numerous additions, renovations, and upgrades over more than 70 years. The scope of this project is to demolish the existing 30,362 square-foot community center, re-designing the site, retaining 71 existing trees, and constructing a new one-story 24,500 square-foot community center building occupying a location at the north end of the present community center site. Pedestrian pathways and crosswalks will be provided throughout the site to connect the parking lots and existing sidewalks to the new buildings, recreational facilities, and existing buildings surrounding the site such as the History Museum and Library. The driveway connections to Hillview Avenue will be realigned, with a total of two driveway connections rather than the existing four driveway entrances. The site will function more efficiently and provide a better connection to the existing buildings within the Civic Center.

The construction phase of the project began with bidding and subsequent City Council approval of the construction contract in July 2019. The project budget approved by City Council for the entire project is \$38,335,400 which includes all soft costs, hard costs and furniture for the new building.

The construction work is being performed by Gonsalves & Stronck Construction Company, Inc. Demolition of the site began in September 2019 and the buildings were demolished in October 2019.

On June 30, 2021 the Architect issued a letter certifying that the New Los Altos Community Center project is substantially complete.

Activities Summary

June 2021 Activities:

Activities performed include:

- Continued COVID-19 implementation of health and safety protocols in accordance with Santa Clara County.
- Kitchen signed off by Santa Clara Health Department
- Completion of final finishes and touch-up.
- Equipment and building systems testing and training.
- Furniture move-in.
- Ongoing Final inspections.

Remaining Activities:

Through July 2021, Gonsalves & Stronck Construction and the City expects to complete the following activities:

- Completion of touch-up and punch list items.
- Install corrugated metal covering above exterior trellis areas.
- Completion of Final Inspections.
- Obtain Final sign-off from Fire Department, Building Department and other authorities.

Project Photos

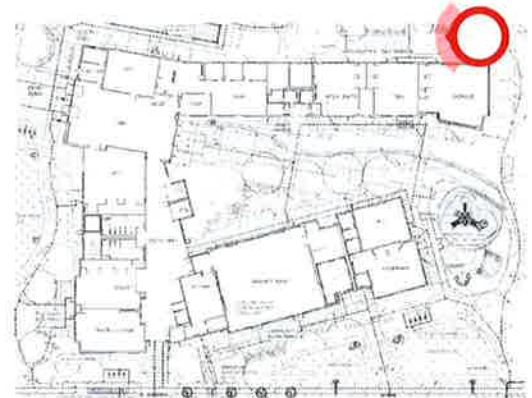
Progress photographs from June, 2021.



Exterior at Courtyard



Exterior at Teen Patio

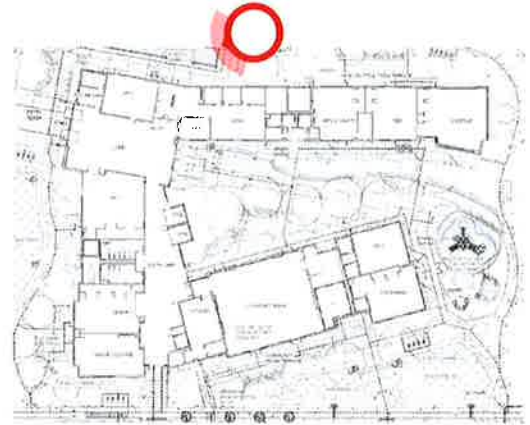


Project Photos

Progress photographs from June, 2021.



Exterior at Bocce Courts



Main Lobby

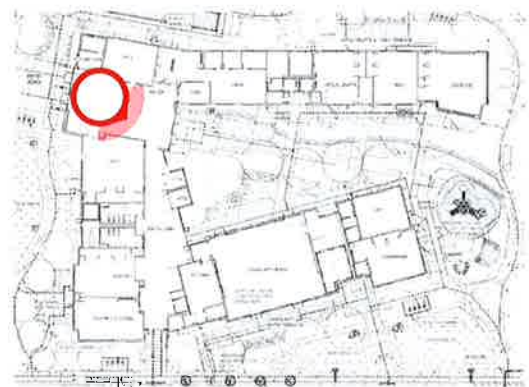


Project Photos

Progress photographs from June, 2021.



Furnishings at Workspace



Furnishings at Main Lobby

Project Budget



LOS ALTOS COMMUNITY CENTER
97 Hillview Avenue, Los Altos
Project Budget Report
June 2021

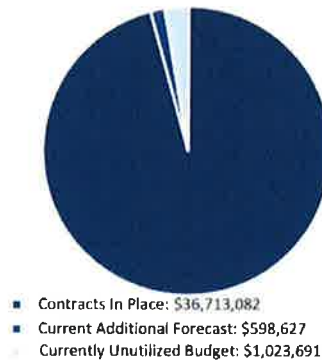
NOVA PARTNERS
INCORPORATED

A	B	C	D	E	F = D + E	G = C - F	H
Item #	Category	Approved Budget	Contracts In Place	Current Additional Forecast	Total Contract and Forecasted	Currently Unutilized Budget	Total Invoiced To-Date
1	Soft Cost	\$ 5,535,443	\$ 5,735,637	\$ 110,076	\$ 5,845,713	\$ (310,270)	\$ 5,423,362
2	Construction	\$ 31,035,400	\$ 30,059,537	\$ 238,964	\$ 30,298,501	\$ 736,899	\$ 29,295,503
3	FF&E + Expenses	\$ 1,764,557	\$ 917,908	\$ 249,587	\$ 1,167,494	\$ 597,063	\$ 485,628
	Total	\$ 38,335,400	\$ 36,713,082	\$ 598,627	\$ 37,311,709	\$ 1,023,691	\$ 35,204,493

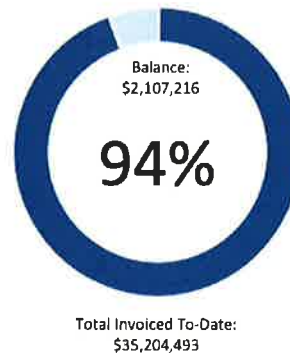
Key Notes

Column D	Includes Change Orders and other Contract Amendments executed to date
Column E	Includes Pending Contract Amendments and Anticipated Costs
Column G	Current forecasted unspent reserve to cover unforeseen expenses (i.e., forecasted amount to-date under \$38.3M budget)
Soft Costs	Costs for permitting and professional consultants including architect and construction manager
Construction	Contract with General Contractor Gonsalves & Stronck
FF&E + Expenses	Furniture, fixtures, equipment, and project expenses

Community Center Project
Budget Status
 Approved Budget \$38.3M



Community Center Project
 Total Forecast \$37.3M



Total project budget of \$38,335,400 approved by Los Altos City Council on July 30, 2019.

Refer to Appendix A for budget details:

- Project Budget Metrics
- Construction Cost Details
- Contingency Transfers (approved to date)

Appendix A. Budget Details

- Project Budget Metrics
- Construction Cost Details
- Contingency Transfers
(approved to date)



LOS ALTOS COMMUNITY CENTER
 97 Hillview Avenue, Los Altos
 Project Budget Report
 June 2021



A	B	C	D	E	F = D + E	G = C - F	H
Item #	Category	Approved Budget	Contracts In Place	Current Additional Forecast	Total Contract and Forecasted	Currently Unutilized Budget	Total Invoiced To-Date
1	Soft Cost	\$ 5,535,443	\$ 5,735,637	\$ 110,076	\$ 5,845,713	\$ (310,270)	\$ 5,423,362
2	Construction	\$ 31,035,400	\$ 30,059,537	\$ 238,964	\$ 30,298,501	\$ 736,899	\$ 29,295,503
3	FF&E + Expenses	\$ 1,764,557	\$ 917,908	\$ 249,587	\$ 1,167,494	\$ 597,063	\$ 485,628
Total		\$ 38,335,400	\$ 36,713,082	\$ 598,627	\$ 37,311,709	\$ 1,023,691	\$ 35,204,493

Key Notes

- Column D Includes Change Orders and other Contract Amendments executed to date
- Column E Includes Pending Contract Amendments and Anticipated Costs
- Column G Current forecasted unspent reserve to cover unforeseen expenses (i.e., forecasted amount to-date under \$38.3M budget)
- Soft Costs Costs for permitting and professional consultants including architect and construction manager
- Construction Contract with General Contractor Gonsalves & Stronck
- FF&E + Expenses Furniture, fixtures, equipment, and project expenses

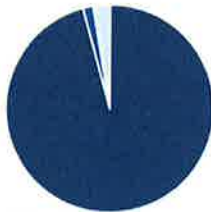
Budget Status

Approved Project Budget and Total Contracts and Forecasts To-Date

Community Center Project

Budget Status

Approved Budget \$38.3M



- Contracts In Place: \$36,713,082
- Current Additional Forecast: \$598,627
- Currently Unutilized Budget: \$1,023,691

Category Breakdown

Soft Cost Budget Status

Approved Budget \$5.5M



- Contracts In Place: \$5,735,637
- Current Additional Forecast: \$110,076
- Currently Unutilized Budget: \$

Hard Cost Budget Status

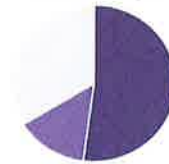
Approved Budget \$31M



- Contracts In Place: \$30,059,537
- Current Additional Forecast: \$238,964
- Currently Unutilized Budget: \$736,899

FF&E + Expenses Budget Status

Approved Budget \$1.8M



- Contracts In Place: \$917,908
- Current Additional Forecast: \$249,587
- Currently Unutilized Budget: \$597,063

Billing Status

Total Invoices Received To-Date of Total Contract and Forecasted Amount

Community Center Project

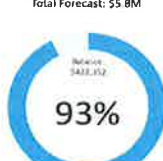
Total Forecast \$37.3M



Total Invoiced To-Date: \$35,204,493

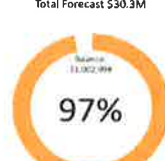
Category Breakdown

Soft Costs Total Forecast: \$5.8M



Total Invoiced To-Date: \$5,423,362

Hard Costs Total Forecast: \$30.3M



Total Invoiced To-Date: \$29,295,503

FF&E + Expenses Total Forecast: \$1.2M



Total Invoiced To-Date: \$485,628

LOS ALTOS COMMUNITY CENTER
97 Hillview Avenue, Los Altos
Construction Cost Breakdown
June 2021



	BASE CONTRACT	WORK PREVIOUSLY COMPLETED	COMPLETED THIS PERIOD	MATERIALS STORED	TOTAL COMPLETED AND STORED	% COMPLETE	BALANCE TO FINISH	RETENTION (10%)
DIVISION 1 - GENERAL CONDITIONS & FEE	\$3,341,406.00	\$3,232,969.00	\$31,069.00	\$0.00	\$3,264,038.00	98%	\$77,368.00	\$326,403.80
DIVISION 2 - DEMO	\$352,380.00	\$350,944.00	\$1,436.00	\$0.00	\$352,380.00	100%	\$0.00	\$35,238.00
DIVISION 3 - CONCRETE	\$752,945.00	\$752,945.00	\$0.00	\$0.00	\$752,945.00	100%	\$0.00	\$75,294.50
DIVISION 5 - METALS	\$3,783,830.00	\$3,783,830.00	\$0.00	\$0.00	\$3,783,830.00	100%	\$0.00	\$378,383.00
DIVISION 6 - WOOD AND PLASTICS	\$1,342,715.00	\$1,194,751.00	\$116,702.00	\$0.00	\$1,311,453.00	98%	\$31,262.00	\$131,145.30
DIVISION 7 - THERMAL AND MOISTURE PROTECTION	\$2,163,548.00	\$2,069,711.00	\$75,167.00	\$0.00	\$2,144,878.00	99%	\$18,670.00	\$214,487.80
DIVISION 8 - WINDOWS AND DOORS	\$1,585,619.00	\$1,541,418.00	\$2,021.00	\$0.00	\$1,543,439.00	97%	\$42,180.00	\$154,343.90
DIVISION 9 - FINISHES	\$1,726,493.00	\$1,354,812.00	\$322,753.00	\$0.00	\$1,677,565.00	97%	\$48,928.00	\$167,756.50
DIVISION 10 - SPECIALTIES	\$396,209.00	\$352,814.00	\$40,190.00	\$0.00	\$393,004.00	99%	\$3,205.00	\$39,300.40
DIVISION 11 - EQUIPMENT	\$164,566.00	\$148,966.00	\$11,700.00	\$0.00	\$160,666.00	98%	\$3,900.00	\$16,066.60
DIVISION 12 - FURNISHINGS	\$276,211.00	\$267,793.00	\$6,458.00	\$0.00	\$274,251.00	99%	\$1,960.00	\$27,425.10
DIVISION 21 - FIRE SUPPRESSION	\$624,726.00	\$618,478.00	\$0.00	\$0.00	\$618,478.00	99%	\$6,248.00	\$61,847.80
DIVISION 22 - PLUMBING	\$1,744,176.00	\$1,691,851.00	\$0.00	\$0.00	\$1,691,851.00	97%	\$52,325.00	\$169,185.10
DIVISION 23 - HVAC	\$4,500,000.00	\$4,401,000.00	\$36,000.00	\$0.00	\$4,437,000.00	99%	\$63,000.00	\$443,700.00
DIVISION 26 - ELECTRICAL	\$1,363,346.00	\$1,344,277.00	\$5,433.00	\$0.00	\$1,349,710.00	99%	\$13,636.00	\$134,971.00
DIVISION 31 - EARTHWORK	\$810,775.00	\$765,006.00	\$30,590.00	\$0.00	\$795,596.00	98%	\$15,179.00	\$79,559.60
DIVISION 32 - EXTERIOR IMPROVEMENTS	\$1,472,055.00	\$948,917.00	\$253,675.00	\$0.00	\$1,202,592.00	82%	\$269,463.00	\$120,259.20
DIVISION 33 - UTILITIES	\$1,600,000.00	\$1,452,000.00	\$107,100.00	\$0.00	\$1,559,100.00	97%	\$40,900.00	\$155,910.00
SUB-TOTAL	\$28,001,000.00	\$26,272,482.00	\$1,040,294.00	\$0.00	\$27,312,776.00	98%	\$688,224.00	\$2,731,277.60
CHANGE ORDERS	\$1,849,468.00	\$1,615,540.00	\$154,187.00	\$0.00	\$1,769,727.00	96%	\$79,741.00	\$176,972.70
GRAND TOTAL	\$29,850,468.00	\$27,888,022.00	\$1,194,481.00	\$0.00	\$29,082,503.00	97%	\$767,965.00	\$2,908,250.30



LOS ALTOS COMMUNITY CENTER
97 Hillview Avenue, Los Altos
Budget Transfer and Contingency Log
June 2021

NOVA PARTNERS
PROFESSIONAL SERVICES

DATE	DESCRIPTION OF CHANGE	PROJECT BUDGET LINE NUMBER	AMOUNT	TYPE OF CHANGE	INTER BUDGET TRANSFER	SOFT COST CONTINGENCY	HARD COST CONTINGENCY	FF&E CONTINGENCY	COMMENTS
*Project Budget Line Numbers are an internal NOVA tracking tool.					Inter Budget Transfer	Soft Cost Conting.	Hard Cost Conting.	FF&E Conting.	
					Beginning Contingency Balance:	\$ 498,390	\$ 2,821,400	\$ 135,800	
11/18/19	Removal of Special Inspections Testing as separate budget line item	S-510	\$ (74,876)	Soft Cost Conting.	\$ -	\$ (74,876)	\$ -	\$ -	Special Testing & Inspection added to Nova's contract
11/18/19	Special Inspection & Testing added to Nova's contract	S-350	\$ 70,218	Soft Cost Conting.	\$ -	\$ 70,218	\$ -	\$ -	Special Testing & Inspection added to Nova's contract (Amendment #1)
10/4/19	Removal of Abatement Monitoring as separate budget line item because already captured in Znapfly contract	S-570	\$ (68,000)	Soft Cost Conting.	\$ -	\$ (68,000)	\$ -	\$ -	Separate budget line item because already captured in Znapfly contract
11/13/19	Move funds from Contingency to CEQA Consultant	S-245	\$ 38,194	Soft Cost Conting.	\$ -	\$ 38,194	\$ -	\$ -	Move funds from Contingency to CEQA Consultant
10/30/19	Move funds from Contingency to G&S contract	H-200	\$ 103,713	Hard Cost Conting.	\$ -	\$ -	\$ 103,713	\$ -	COR-001 - Shoup Park renovation for relocated staff
11/30/19	Move funds from Contingency to G&S contract	H-200	\$ 9,545	Hard Cost Conting.	\$ -	\$ -	\$ 9,545	\$ -	COR-002 - Analysis of soils prior to haul-off / disposal
1/7/20	Move funds from Contingency to G&S contract	H-200	\$ 17,347	Hard Cost Conting.	\$ -	\$ -	\$ 17,347	\$ -	COR-003 - Pitzl Hangers, Improved aesthetic at exposed beam connections @ 48 locations
1/21/20	Move funds from Contingency to G&S contract	H-200	\$ 9,005	Hard Cost Conting.	\$ -	\$ -	\$ 9,005	\$ -	COR-005 - Design clarification at Café for under slab grease waste and vent pipe
2/13/20	Move funds from Contingency to G&S contract	H-200	\$ 9,867	Hard Cost Conting.	\$ -	\$ -	\$ 9,867	\$ -	COR-006 - Added Sprinklers at Trash Enclosure
2/20/20	Move funds from Contingency to G&S contract	H-200	\$ 18,919	Hard Cost Conting.	\$ -	\$ -	\$ 18,919	\$ -	COR-004 - Bulletin 1: Design clarification structural and plumbing for PV panel maintenance
2/20/20	Move funds from Contingency to G&S contract	H-200	\$ 41,395	Hard Cost Conting.	\$ -	\$ -	\$ 41,395	\$ -	COR-008 - Overtime Schedule Acceleration Efforts Nov to Jan
2/23/20	Move funds from Contingency to G&S contract	H-200	\$ 90,492	Hard Cost Conting.	\$ -	\$ -	\$ 90,492	\$ -	COR-007 - Demo Unforeseen Conditions
3/6/20	Move funds from Contingency to G&S contract	H-200	\$ 8,788	Hard Cost Conting.	\$ -	\$ -	\$ 8,788	\$ -	COR-009 - Utility Changes
3/12/20	Move funds from Contingency to G&S contract	H-200	\$ 3,612	Hard Cost Conting.	\$ -	\$ -	\$ 3,612	\$ -	COR-010 - Rebar Changes
3/30/20	Move funds from Contingency to G&S contract	H-200	\$ 3,322	Hard Cost Conting.	\$ -	\$ -	\$ 3,322	\$ -	COR-011 - Coiling Door Changes
5/26/20	Reduction of Utility Fees and balance placed back in Soft Cost Contingency, Cal Water doing less work.	S-125	\$ (101,760)	Soft Cost Conting.	\$ -	\$ (101,760)	\$ -	\$ -	Cal Water doing less work
5/27/20	Reduction of Haz Mat Survey and balance placed back in Soft Cost Contingency.	S-340	\$ (36,165)	Soft Cost Conting.	\$ -	\$ (36,165)	\$ -	\$ -	No other haz mat work expected
5/27/20	Reduction of Biologist and balance placed back in Soft Cost Contingency.	S-380	\$ (17,611)	Soft Cost Conting.	\$ -	\$ (17,611)	\$ -	\$ -	No other biologist work expected
5/27/20	Move funds from Contingency to City Utility Inspections	S-590	\$ 22,012	Soft Cost Conting.	\$ -	\$ 22,012	\$ -	\$ -	5/27: Requested by the City. Could not do in house
5/27/20	Move funds from Contingency to G&S contract	H-200	\$ 2,008	Hard Cost Conting.	\$ -	\$ -	\$ 2,008	\$ -	COR-012 - Wood Door Veneer
5/27/20	Move funds from Contingency to G&S contract	H-200	\$ 2,940	Hard Cost Conting.	\$ -	\$ -	\$ 2,940	\$ -	COR-013 - Soils
5/27/20	Move funds from Contingency to G&S contract	H-200	\$ 16,012	Hard Cost Conting.	\$ -	\$ -	\$ 16,012	\$ -	COR-014 - 2" Rat Slab
5/27/20	Move funds from Contingency to G&S contract	H-200	\$ 1,994	Hard Cost Conting.	\$ -	\$ -	\$ 1,994	\$ -	COR-015 - Floor Boxes and Recep
5/27/20	Move funds from Contingency to G&S contract	H-200	\$ 4,991	Hard Cost Conting.	\$ -	\$ -	\$ 4,991	\$ -	COR-016 - Light Pole
7/8/20	Move funds from Contingency to G&S contract	H-200	\$ (3,668)	Hard Cost Conting.	\$ -	\$ -	\$ (3,668)	\$ -	COR-017 - Remove VGA
9/25/20	Move funds from Contingency to G&S contract	H-200	\$ 76,247	Hard Cost Conting.	\$ -	\$ -	\$ 76,247	\$ -	COR-018 - Schedule Ex #1
9/25/20	Move funds from Contingency to G&S contract	H-200	\$ 10,410	Hard Cost Conting.	\$ -	\$ -	\$ 10,410	\$ -	COR-019 - Concrete Blockouts
9/29/20	Reduction of Furniture and balance placed back in FF&E Cost Contingency.	F-130	\$ (290,235)	FF&E Conting.	\$ -	\$ -	\$ -	\$ (290,235)	No other furniture work expected
10/21/20	Reduction of Plan Check Fees and balance placed back in Soft Cost Contingency.	S-105	\$ (38,104)	Soft Cost Conting.	\$ -	\$ (38,104)	\$ -	\$ -	No additional plan check fees anticipated
11/10/20	Move funds from Contingency to Construction Management	S-350	\$ 241,768	Soft Cost Conting.	\$ -	\$ 241,768	\$ -	\$ -	Per City, Amendment #2R1 is approved.
11/10/20	Move funds from Contingency to Architect	S-200	\$ 425,863	Soft Cost Conting.	\$ -	\$ 425,863	\$ -	\$ -	Per City, ASR 8 to ASR 16, Amendment #4 Approved
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 10,324	Hard Cost Conting.	\$ -	\$ -	\$ 10,324	\$ -	COR-020 - Utility Boxes

DATE	DESCRIPTION OF CHANGE	PROJECT BUDGET LINE NUMBER	AMOUNT	TYPE OF CHANGE	INTER BUDGET TRANSFER	SOFT COST CONTINGENCY	HARD COST CONTINGENCY	FF&E CONTINGENCY	COMMENTS
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 4,872	Hard Cost Conting.	\$ -	\$ -	\$ 4,872	\$ -	COR-021 - Kitchen Door
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 4,175	Hard Cost Conting.	\$ -	\$ -	\$ 4,175	\$ -	COR-022 - Roof Screen Doors
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 35,538	Hard Cost Conting.	\$ -	\$ -	\$ 35,538	\$ -	COR-023 - Timber Pro Coatings
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ (12,711)	Hard Cost Conting.	\$ -	\$ -	\$ (12,711)	\$ -	COR-024 - Door Hardware +
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 7,680	Hard Cost Conting.	\$ -	\$ -	\$ 7,680	\$ -	COR-025 - RR and Flooring Changes
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ (1,302)	Hard Cost Conting.	\$ -	\$ -	\$ (1,302)	\$ -	COR-026 - Storefront Revs
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 20,252	Hard Cost Conting.	\$ -	\$ -	\$ 20,252	\$ -	COR-027 - AC Grinding
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 2,802	Hard Cost Conting.	\$ -	\$ -	\$ 2,802	\$ -	COR-028 - Tree Removal
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 10,265	Hard Cost Conting.	\$ -	\$ -	\$ 10,265	\$ -	COR-029 - OT Thru Feb 2020
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 3,191	Hard Cost Conting.	\$ -	\$ -	\$ 3,191	\$ -	COR-030 - Speaker Color Change
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 29,209	Hard Cost Conting.	\$ -	\$ -	\$ 29,209	\$ -	COR-031 - Framing and Added Bench Backrest
11/17/20	Move funds from Contingency to G&S contract	H-200	\$ 22,434	Hard Cost Conting.	\$ -	\$ -	\$ 22,434	\$ -	COR-032 - Lobby Enclosure and Structural Framing
12/10/20	Move funds from Soft Contingency to Meza Fence	F-300	\$ 4,580	FF&E Conting.	\$ -	\$ -	\$ -	\$ 4,580	Per, Peter/City request. Museum Fence Work 1/29, Changed to FF&E section per Jim.
12/10/20	Move funds from Contingency to G&S contract	H-200	\$ 142,130	Hard Cost Conting.	\$ -	\$ -	\$ 142,130	\$ -	COR-033 - COVID Protocols thru October 2020
1/6/21	Move Fund From FF&E Cost Contingency to Cover Kinderprep Furniture Purchase	F-130	\$ 23,477	FF&E Conting.	\$ -	\$ -	\$ -	\$ 23,477	1/6: Per Dave B., City purchase.
1/28/21	Move funds from Contingency to G&S contract	H-200	\$ 27,214	Hard Cost Conting.	\$ -	\$ -	\$ 27,214	\$ -	COR-038 - Revised Bracing for Duct/Roof Screen
1/28/21	Move funds from Contingency to G&S contract	H-200	\$ 14,775	Hard Cost Conting.	\$ -	\$ -	\$ 14,775	\$ -	COR-039 - Multiple Finish/Elec Changes
1/28/21	Move funds from Contingency to G&S contract	H-200	\$ 6,952	Hard Cost Conting.	\$ -	\$ -	\$ 6,952	\$ -	COR-040 - Signage Changes
1/28/21	Move funds from Soft Contingency to Mission Water	F-310	\$ 4,546	FF&E Conting.	\$ -	\$ -	\$ -	\$ 4,546	Per, Peter/City request. For Bottle Filling Station
1/29/21	Move funds from Contingency to G&S contract	H-200	\$ 31,185	Hard Cost Conting.	\$ -	\$ -	\$ 31,185	\$ -	COR-041 - Revised Asphalt Work near Library Connect
1/29/21	Move funds from Contingency to G&S contract	H-200	\$ 12,720	Hard Cost Conting.	\$ -	\$ -	\$ 12,720	\$ -	COR-043 - Acoustical Wall Panels
1/29/21	Move funds from Contingency to G&S contract	H-200	\$ 4,270	Hard Cost Conting.	\$ -	\$ -	\$ 4,270	\$ -	COR-045 - Flashing Revision
1/29/21	Move funds from Contingency to G&S contract	H-200	\$ 84,596	Hard Cost Conting.	\$ -	\$ -	\$ 84,596	\$ -	COR-051 - Added Site Lighting/Electrical
1/29/21	Reduction of Commissioning cost and balance placed back in Soft Cost Contingency.	S-580	\$ (1,420)	Soft Cost Conting.	\$ -	\$ (1,420)	\$ -	\$ -	Balance back to Contingency
2/1/21	Move funds from Contingency to G&S contract	H-200	\$ 3,847	Hard Cost Conting.	\$ -	\$ -	\$ 3,847	\$ -	COR-042 - Framing at Coiling Door
2/1/21	Move funds from Contingency to G&S contract	H-200	\$ 1,166	Hard Cost Conting.	\$ -	\$ -	\$ 1,166	\$ -	COR-046 - Added Bend Plate
2/8/21	Move funds from Contingency to G&S contract	H-200	\$ 35,265	Hard Cost Conting.	\$ -	\$ -	\$ 35,265	\$ -	COR-049 - Irrigation Controllers
2/8/21	Move funds from Contingency to G&S contract	H-200	\$ 440	Hard Cost Conting.	\$ -	\$ -	\$ 440	\$ -	COR-046 - Added Lock for Sr Room Partition
2/17/21	Move Fund From FF&E Cost Contingency to Storage Fees Furniture One Workplace	F-130	\$ 736	FF&E Conting.	\$ -	\$ -	\$ -	\$ 736	2/17: Per Dave B., email
2/22/21	Reduction of Move/Relocation Fees and balance placed back in Soft Cost Contingency.	F-160	\$ (150,991)	FF&E Conting.	\$ -	\$ -	\$ -	\$ (150,991)	2/22: Per Peter M. email, no moving fees expected.
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ 37,386	Hard Cost Conting.	\$ -	\$ -	\$ 37,386	\$ -	COR-048 - Covid Protocols Nov/Dec 2020
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ 8,078	Hard Cost Conting.	\$ -	\$ -	\$ 8,078	\$ -	COR-053 - Second Prefinished Side of Corrogated
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ 4,860	Hard Cost Conting.	\$ -	\$ -	\$ 4,860	\$ -	COR-054 - Interior Recept for Holiday Lighting
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ (4,516)	Hard Cost Conting.	\$ -	\$ -	\$ (4,516)	\$ -	COR-055 - Light Pole & Head Flashing Credit
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ 8,994	Hard Cost Conting.	\$ -	\$ -	\$ 8,994	\$ -	COR-056 - Revised Fencing at Playground
3/2/21	Move funds from Contingency to G&S contract	H-200	\$ 5,014	Hard Cost Conting.	\$ -	\$ -	\$ 5,014	\$ -	COR-057 - Revised Duct at Community RM
3/12/21	Move funds from Contingency to G&S contract	H-200	\$ 39,767	Hard Cost Conting.	\$ -	\$ -	\$ 39,767	\$ -	COR-062 - Protocols Jan and Feb 2021
3/18/21	Move funds from Contingency to G&S contract	H-200	\$ 23,830	Hard Cost Conting.	\$ -	\$ -	\$ 23,830	\$ -	COR-058 - Revised Patways and grading (DG)
3/18/21	Move funds from Contingency to G&S contract	H-200	\$ 48,385	Hard Cost Conting.	\$ -	\$ -	\$ 48,385	\$ -	COR-059 - Class II Removal
4/1/21	Move funds from Contingency to G&S contract	H-200	\$ 179,953	Hard Cost Conting.	\$ -	\$ -	\$ 179,953	\$ -	COR-035 - Fire Water/Cal Water Direct Cost

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City of Los Altos Tentative Council Agenda Calendar

August 16, 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 Item - note in red if Public Hearing)	Dept.
August 31, 2021	SPECIAL MEETING- COMMISSION INTERVIEWS		
September 14, 2021	Closed Session Anticipated Litigation		
	STUDY SESSION Climate Action and Adaptation Plan progress report		
	REGULAR COUNCIL MEETING		
	Sept is National Emergency Preparedness Month		
	A Farmer's Son Amendment Agreement FY21-23		
	Firearm safe storage ordinance	Public Hearing?	
	Housing Element Community Outreach Plan		
	Commission Appointments		
	Redwood Grove Connector Trail		DB
	Parklet Program		AC
	Design Contract Award: CIPP Corrosion Rehabilitation, Project WW-01005 (A. Trese)		
	Design Contract Award: Structural Reach Replacement, Project WW-01002 (A. Trese)		
	Resolution extending Parklets		
Quarterly Investment Report			
Council Strategic Priorities Implementation Plan (Tent.)		GE	

September 21, 2021	REGULAR COUNCIL MEETING – in place of 9/28 mtg which falls on holiday		
	STUDY SESSION – Halsey House – 2hours		
	Update on ARPA Funding		
	Fiscal Year End tentative report – (if needed)		
	City of Los Altos – Title 14, Zoning Amendment – Public Land Protection Ordinance First Reading Proposed ordinance adding a Public Land Protection (PLP) overlay district to Title 14, Zoning, of the Los Altos Municipal Code that will provide for the protection of City owned property by requiring voter approval of the sale or transfer of title of any City-owned land to which the PLP overlay designation is applied and voter approval to remove the PLP designation once it has been applied. The proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment. <i>Project Manager: Community Development Director Biggs</i>	Public Hearing	
	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	
	Park In Lieu		
Los Altos Community Center Notice of Completion			
October 12, 2021	REGULAR MEETING		
	Study Session - Community Center post construction review		
	Proclaiming October not only Breast Cancer Awareness Month but also Domestic Violence Awareness month	Proclamation	
	Hillview baseball field off-leash trial program review		
	review the Tentative Council Calendar.		
	Update of Public Arts Guidelines		
	Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055 (9/7/21 – tentative) October	CC	ES

October 26, 2021	REGULAR COUNCIL MEETING Off-Leash Dog Park Pilot Program”		
November 2, 2021	JOINT WITH COMMISSIONS		
November 9, 2021	REGULAR MEETING Retreat Format Goals Setting Session Planning for 2022- /Commission Work Plan alignment/Budget/CC Priorities Goals alignment*		
November 30, 2021	REGULAR COUNCIL MEETING – in place of 11/23 mtg the week of Thanksgiving		
DECEMBER 7, 2021	COUNCIL REORGANIZATION		
December 14, 2021	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
	STUDY SESSION for Community Center Operational Implementation Plan		
	Presentation of Proclamation to Michael Handel Proclamation, Retired Los Altos Firefighter	Special Presentation	
	Council Financial Subcommittee Recommendations: Discuss recommendations of the Council Financial Subcommittee regarding reporting of City financial information (Vice Mayor Enander)		
	Museum's plans for a new main exhibition in our permanent 2nd floor gallery		
	BMR waitlist process proposal by Alta Housing		
	5150 El Camino Road - Modification	Public Hearing?	
	League of California Cities – Role and Representation	Presentation/Discussion	Council Initiated
	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
	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 Joint Los Altos/Los Altos Hills Council meeting (6-9 months: August – October)		
	Housing Element Update		Community Development
	San Francisco PUC permit		Engineering Services