

**William Maston
Architect & Associates**

384 Castro St.
Mountain View, CA 94041
t. 650.968.7900 f. 650.968.4913
www.mastonarchitect.com

LETTER OF TRANSMITTAL

TO: The City of Los Altos	Date: Nov. 8, 2018	Job: 40 Main St.
Planning Division	From: William Maston: Architect & Associates	
Los Altos City Hall	384 Castro Street, Mountain View, CA 94041	
1 N San Antonio Rd, Los Altos, CA 94022		

- WE ARE SENDING YOU Attached Under separate cover via pick-up the following items:
- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order

COPIES	DESCRIPTION
1	General Application Form
1	Introduction & Overview by Rhoades Planning Group
1	Submittal Check List
1	Filing Fee(s)
5	Color and Material Board
5	Architectural Design Plans Full-sets (24"x36") – See attached sheet index
5	Architectural Design Plans Full-sets (12"x18") – See attached sheet index
(included in Arch. Set)	Color Renderings and 3D Model Renderings
1	Construction Management Plan
1	Title Report

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment
- FOR BIDS DUE _____
- PRINTS RETURNED AFTER LOAN TO US

REMARKS:



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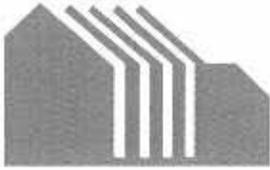
Architectural Design Plans Full-sets Sheet Index

Architectural – 5 Story Proposal

A0.00 Cover Sheet
A0.01 Project Data and Index
A.0.02 Renderings – View from Main St.
A0.03 Renderings – View from San Antonio Rd.
A0.04 Renderings – View from Plaza Ten
A0.05 – Streetscape Elevations
A0.06 Existing Parking Layout
A1.00 (E) Site Plan
A1.01 (N) Site Plan
A1.02 Preliminary Plant Pallet
A2.01 Sublevel 2 Floor Plan
A2.02 Sublevel 1 Floor Plan
A2.03 Level 1 Floor Plan
A2.04 Level 2 Floor Plan
A2.05 Level 3, 4 Floor Plan
A2.06 Level 5 Floor Plan
A2.07 Roof Plan
A3.01 Exterior Elevations
A3.02 Exterior Elevations
A3.03 Exterior Elevations
A4.01 Building Sections
A4.02 Building Sections
A5.01 Details

Architectural – 3 Story Baseline

B0.00 Cover Sheet
B0.01 Project Data and Index
B0.02 Renderings – View from Main St.
B0.03 Renderings – View from San Antonio Rd.
B0.04 Renderings – View from Plaza Ten
B0.05 – Streetscape Elevations
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B1.00 (E) Site Plan
B1.01 (N) Site Plan
B1.02 Preliminary Plant Pallet
B2.01 Sublevel 1 Floor Plan
B2.02 Level 1 Floor Plan
B2.03 Level 2 Floor Plan
B2.04 Level 3 Floor Plan
B2.05 Roof Plan
B3.01 Exterior Elevations
B3.02 Exterior Elevations



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B3.03 Exterior Elevations
B4.01 Building Sections
B5.01 Details

Civil

C-1.0 Title Sheet
C-2.0 Preliminary Grading, Drainage, Utility Plan

Colors and Materials Board

CM-1 Colors & Materials Board (5F)
CM-2 Colors & Materials Board (3F)



**CITY OF LOS ALTOS
GENERAL APPLICATION**

Type of Review Requested: *(Check all boxes that apply)*

Permit # 1108545

<input type="checkbox"/> One-Story Design Review	<input checked="" type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input type="checkbox"/> Variance	<input checked="" type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/> Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Other:

Project Address/Location: 40 Main Street, Los Altos CA 94022

Project Proposal/Use: Mixed Use / Residential Current Use of Property: Office

Assessor Parcel Number(s): 167-38-032 Site Area: 6,995

New Sq. Ft.: 29,566 Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____

Total Existing Sq. Ft.: 2,050 Total Proposed Sq. Ft. (including basement): _____

Applicant's Name: 40 Main Street Offices, LLC

Telephone No.: (650) 924-0418 Email Address: ted@gunnmanagement.com

Mailing Address: 40 Main Street

City/State/Zip Code: Los Altos CA 94022

Property Owner's Name: 40 Main Street Offices, LLC

Telephone No.: (650) 924-0418 Email Address: ted@gunnmanagement.com

Mailing Address: 40 Main Street

City/State/Zip Code: Los Altos CA 94022

Architect/Designer's Name: William J. Maston Architect & Associates.

Telephone No.: (650) 968-7900 Email Address: billm@mastonarchitect.com

Mailing Address: 384 Castro Street

City/State/Zip Code: Mountain View, CA 94041

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)

Does your project comply with any Deed Restrictions, Conditions, Covenants, and Restrictions (CC&R's), or any other recorded conditions of the subdivision in which it is located? Examples are restrictions that limit development to one-story height or may require setbacks greater than those required by City Codes. You are responsible for researching your title insurance report to find the CC&R's for your property. If you do not have a copy of the title report, you may obtain the information from a title insurance company or the County Recorder's Office. Yes No N/A

If No, please explain below in what way your project does not comply with the restrictions and why you propose such variations.

N/A

I certify that the above information is true and correct.

Date: 11/13/18

Property Owner/Applicant or Authorized Agent Signature: Thomas D. Smith

(If signing as an authorized agent, please submit evidence of written authorization)

For City Staff Use Only:

Received by: Eliana / Sean Date: 11/8/18

Department Review Required:

Fire Department

YES / NO

Date Notified: _____

Building Division

YES / NO

Date Notified: _____

Public Works Engineering

YES / NO

Date Notified: _____

City Manager

YES / NO

Date Notified: _____

Date Notified: _____

Date Notified: _____

Is the submittal package complete? YES / NO TBD

If NO, what items still need to be submitted?

EXHIBIT A

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

Lot 5, Block 1, as delineated upon that certain map entitled "Map No. 1 of the Town of Los Altos", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 25th, 1907 in Book "L" of Maps, at Page 99.

APN: 167-38-032

ARB: A167-38-32



PRELIMINARY REPORT

Our Order Number 0623014451-KS

ALAIN PINEL REALTORS
167 S. San Antonio Road Suite 1
Los Altos, CA 94022

Attention: GARY HERBERT

When Replying Please Contact:

Kathy Smith
KathyS@ortc.com
(650) 941-5700

Property Address:

40 Main Street, Los Altos, CA 94022

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of October 26, 2018, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

40 Main Street Offices, LLC, a California limited liability company

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

Lot 5, Block 1, as delineated upon that certain map entitled "Map No. 1 of the Town of Los Altos", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 25th, 1907 in Book "L" of Maps, at Page 99.

APN: 167-38-032

ARB: A167-38-32

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2018 - 2019, as follows:

Assessor's Parcel No	:	167-38-032	
Code No.	:	011-001	
1st Installment	:	\$16,203.52	NOT Marked Paid
2nd Installment	:	\$16,203.52	NOT Marked Paid
Land Value	:	\$2,272,569.00	
Imp. Value	:	\$317,920.00	

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. Any special tax which is now a lien and that may be levied within the Library JPA CFD 2013-1 Mello-Roos, a notice(s) for which having been recorded.

NOTE: Among other things, there are provisions in said Notice for a special tax to be levied annually, the amounts of which are to be added to and collected with the property taxes.

NOTE: The current annual amount levied against this land is \$45.44.

4. Covenants, Conditions and Restrictions which do not contain express provision for forfeiture or reversion of title in the event of violation, but omitting any covenants or restriction if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument.

Executed by : Altos Land Company, a California corporation
Dated : December 14, 1907
Recorded : November 9, 1908 in Book 339 of Deeds, Page 50

NOTE: "If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

5. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$1,000,000.00
Trustor/Borrower : 40 Main Street Offices, LLC, a California limited liability company
Trustee : Western Alliance Bank, an Arizona corporation
Beneficiary/Lender : Western Alliance Bank, an Arizona corporation
Dated : December 21, 2015
Recorded : January 27, 2016 in Official Records under Recorder's Serial Number 23206295
Loan No. : 21878-3
Returned to : 55 Almaden Boulevard, Suite 100, San Jose, CA 95113

NOTE: In connection therewith, a document as follows:

Entitled : Hazardous Substances Certificate and Indemnity Agreement
By : 40 Main Street Offices, LLC and Western Alliance Bank, an
Arizona corporation
Recorded : December 27, 2016 in Official Records under Recorder's Serial
Number 23206296
Returned to
Address : 55 Almaden Boulevard, Suite 100, San Jose, CA 95113

In Connection therewith, said trustors executed an Assignment of Rents,

Dated : December 21, 2015
Recorded : January 27, 2016 in Official Records under Recorder's Serial
Number 23206297

6. An unrecorded lease upon the terms, covenants, and conditions contained or referred to therein,

Lessor : 40 Main Street Offices, LLC
Lessee : Gunn Management Group, Inc.; Theodore G. Sorensen; Gerald J.
Sorensen; and Harry I. Price
Disclosed by : Subordination Agreement - Lease
Dated : December 21, 2015
Recorded : January 27, 2016 in Official Records under Recorder's Serial Number
23206298
Return to Address : 55 Almaden Boulevard, Suite 100, San Jose, CA 95113

NOTE: Said Lease by the provisions of an agreement

Recorded : January 27, 2016 in Official Records under Recorder's Serial
Number 23206298
was made subordinate to the Deed of Trust referred to herein as Instrument No.
23206295.

NOTE: The present ownership of said leasehold or leaseholds and other matters
affecting the interest of the lessee or lessees are not shown herein.

7. An LLC-1 (Articles of Organization) for 40 Main Street Offices, LLC, a California Limited Liability Company, was recorded May 14, 2007 in Official Records under Recorder's Serial Number 19428429.
 1. Any Certificate of Correction (LLC-11), Certificate of Amendment (LLC-2) or Restatement of Articles of Organization (LLC-10) must be submitted to the Company for review. Certified copies of same should be recorded.
 2. A copy of any management or operating agreements and any amendments thereto, together with a current list of all members of said LLC, must be submitted to the Company for review.
8. Any unrecorded and subsisting leases.
9. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
10. The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.
11. The requirement that this Company be provided with an opportunity to inspect the land (the Company reserves the right to make additional exceptions and/or requirements upon completion of its inspection).

----- **Informational Notes** -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.1 and 2.1.

- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land a commercial building known as 40 Main Street, Los Altos, CA 94022.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

NONE

- C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument

Entitled	:	Grant Deed
By/From	:	Williams & Barber Investments, LLC, a California limited liability company
To	:	40 Main Street Offices, LLC, a California limited liability company
Dated	:	May 4, 2007
Recorded	:	May 14, 2007 in Official Records under Recorder's Serial Number 19428432

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION
LOAN POLICY OF TITLE INSURANCE - 2006
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations.
This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

EXCEPTIONS FROM COVERAGE – SCHEDULE B, PART 1, SECTION ONE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

FACTS
WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?

Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> • Social Security number and employment information • Mortgage rates and payments and account balances • Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes — to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Questions

 Go to www.oldrepublictitle.com (Contact Us)

Who we are

Who is providing this notice?

Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

What we do

How does Old Republic Title protect my personal information?

To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit <http://www.OldRepublicTitle.com/newnational/Contact/privacy>.

How does Old Republic Title collect my personal information?

We collect your personal information, for example, when you:

- Give us your contact information or show your driver's license
- Show your government-issued ID or provide your mortgage information
- Make a wire transfer

We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.

Why can't I limit all sharing?

Federal law gives you the right to limit only:

- Sharing for affiliates' everyday business purposes - information about your creditworthiness
- Affiliates from using your information to market to you
- Sharing for non-affiliates to market to you

State laws and individual companies may give you additional rights to limit sharing. See the "Other important information" section below for your rights under state law.

Definitions

Affiliates

Companies related by common ownership or control. They can be financial and nonfinancial companies.

- *Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.*

Non-affiliates

Companies not related by common ownership or control. They can be financial and non-financial companies.

- *Old Republic Title does not share with non-affiliates so they can market to you*

Joint marketing

A formal agreement between non-affiliated financial companies that together market financial products or services to you.

- *Old Republic Title doesn't jointly market.*

Other Important Information

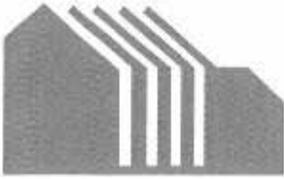
Oregon residents only: We are providing you this notice under state law. We may share your personal information (described on page one) obtained from you or others with non-affiliate service providers with whom we contract, such as notaries and delivery services, in order to process your transactions. You may see what personal information we have collected about you in connection with your transaction (other than personal information related to a claim or legal proceeding). To see your information, please click on "Contact Us" at www.oldrepublictitle.com and submit your written request to the Legal Department. You may see and copy the information at our office or ask us to mail you a copy for a reasonable fee. If you think any information is wrong, you may submit a written request online to correct or delete it. We will let you know what actions we take. If you do not agree with our actions, you may send us a statement.

Affiliates Who May be Delivering This Notice

American First Abstract, LLC	American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.
eRecording Partners Network, LLC	Genesis Abstract, LLC	Kansas City Management Group, LLC	L.T. Service Corp.	Lenders Inspection Company
Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mara Escrow Company	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Exchange Company	Old Republic National Title Insurance Company	Old Republic Title and Escrow of Hawaii, Ltd.
Old Republic Title Co.	Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma
Old Republic Title Company of Oregon	Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.
Old Republic Title, Ltd.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	The Title Company of North Carolina	Title Services, LLC
Trident Land Transfer Company, LLC				



MAP NO. 1 OF THE TOWN OF LOS ALTOS VOL. L MAP PAGE 99



William Maston Architect & Associates

384 Castro St.
Mountain View, CA 94041
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www.mastonarchitect.com

Ground Floor Office and 4 Story Residential 40 Main Street, Los Altos, CA 94022 Preliminary Construction Management Plan

1. Cover Sheet
2. Truck Routing and Staging Plan
 - Provide a map that identifies the route to be used to and from site for all truck traffic.
 - i. Trucks will be routed onto Foothill Expressway, turn onto Edith, turn onto Fourth Street and a left turn into Plaza Ten behind the project. Trucks will unload immediately behind the building.
 - Provide anticipated hours of truck traffic and material deliveries.
 - i. Truck traffic and deliveries are anticipated between the hours of 8:00 AM and 4:00 PM. We will prohibit delivery during the noon to 1:30 Peak Parking hour.
 - Provide details pertaining to where off-site truck staging for material deliveries that require multiple trucks at any one time (concrete, building materials, etc.) will be located.
 - i. Trucks and vehicles that require staging will be staged in the Lincoln Ave parking area near the Chamber of Commerce.
 - Provide a traffic control plan designed and maintained by a certified individual qualified in this responsibility.
 - i. Traffic and flag control will not be required.
3. Construction Site Parking and Staging Plan
 - One existing and one created parking stall immediately in front of the project on Main will be utilized. Four spots immediately behind the building along the plaza ten sidewalk will also be used. Additional construction parking as required will be directed to available plaza Ten employee parking stalls and on-street stalls along Fourth Street and Edith.
 - Construction workers will walk to the site from their parking locations.
 - Provide location and size of construction trailer and any other mobile offices and/or storage containers that will be required.
 - i. Construction offices and containers will be located in the back (plaza 10 side/60 Main street) corner of the site along the proposed paseo and the property at 60 Main Street.

Government Code 65913.4 (SB 35) Submittal for 40 Main Street in Los Altos, California

Table of Contents

This application is being submitted under SB 35 streamlining provisions (Gov. Code § 65913.4). Pursuant to SB 35, the requirement to seek a discretionary permit for this project does not apply. Under SB 35, projects that comply with objective standards cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a). Under SB 35, the only applicable standards are those "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." Gov. Code § 65913.4 (a)(5). As set forth in Attachment # 1 of the Applicant Statement of this application, the standards for issuance of a use permit, structural alteration permit and parcel map involve personal or subjective judgment and are not uniformly verifiable to any uniform benchmark or criterion.

Nonetheless, for informational purposes, the applicant is voluntarily providing the following documents that are ordinarily required for conditional use permit application.

Cover Letter

1. General Application Form
2. Applicant Statement, with Attachments:
 - A. Objective Standards Table
 - B. SB 35 Environmental Mapping
 - C. Commitment to Prevailing Wage
 - D. Density Bonus Report
3. Filing Fees (as applicable)
4. Project Plans
 - Cover Sheet
 - Site Plan
 - Floor Plans
 - Building Elevations
 - Roof Plan
 - Landscape Plan

Applicant Statement – 40 Main Street

INTRODUCTION AND OVERVIEW

This Applicant Statement is submitted on behalf of 40 Main Street Offices, LLC, for a proposed residential mixed-use development project to replace an existing single-story office building located at 40 Main Street in the City of Los Altos (“City”). This is an application for a streamlined ministerial development permit pursuant to Government Code Section 65913.4, otherwise known as Senate Bill 35, as well as Government Code Section 65915 et seq (“State Density Bonus Law”). The project is also subject to Government Code Section 65589.5, the Housing Accountability Act, because it is consistent with all of the City’s objective standards. The project proposes to include 15 for rent apartment units, two of which will be affordable to low-income households (to households earning below 80% of Area Median Income [AMI]). In addition, the project will provide 5,724 square feet of office space on the ground floor and a below-grade parking structure with 18 spaces. The gross project floor area totals 29,566 square feet.

As the State of California Department of Housing and Community Development (“HCD”) recently noted, Los Altos is subject to SB 35 streamlining for proposed developments with at least 10% affordability at 80% AMI. Localities are subject to streamlining for projects providing 10% affordability if the jurisdiction “did not submit its latest [annual] production report to the department by the” April 1 deadline “required by Section 65400 [of the Government Code].” Gov. Code § 65913.4(a)(4)(A)(i).

The City has long recognized the development potential for the site, identifying the area in the Downtown Land Use Plan as “establishing a sense of entry into the Downtown”. The 2009 adopted plan envisioned larger development in the Commercial Retail Sales district by removing the two-story height limitation and removing the 2.0 maximum Floor Area Ratio requirements. The plan also spoke to a vision of creating continuous building frontage on shopping streets.

The project also includes a density bonus pursuant to Government Code Section 65915, with waivers/modifications and concessions/incentives, as allowed per the statute and the Los Altos density bonus ordinance provisions. Finally, the proposed project is also subject to Government Code Section 65589.5, also known as the Housing Accountability Act. The project’s consistency with each of these provisions of State law is discussed in detail below. All three of these Government Code sections are State legislative efforts that recognize the severity of California’s housing crisis and the difficulties associated with developing new housing at appropriately zoned, transit-oriented and urbanized locations. The following legislative findings (from Government Code section 65589.5(a)(2)) are instructive of how, and why, the City must interpret and implement these laws:

California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives...

The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled...

It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

With those laws and policies in mind, the following sets forth the Applicant Statement. This Statement also includes the following attachments:

- A. Attachment A, Objective Standards Table, which demonstrates compliance with City of Los Altos General Plan, Zoning, Subdivision, and Design Standards, as applicable;
- B. Attachment B, SB 35 Environmental Mapping, which demonstrates compliance with SB 35 location and environmental criteria;
- C. Attachment C, which demonstrates the project proponent's commitment letter to construct the project using prevailing wage labor compensation; and,
- D. Attachment D, Density Bonus Report, as required by the City of Los Altos.

SB 35/Government Code Section 65913.4

The legislature enacted SB 35 in 2017 as a response to California's housing crisis and, specifically, the negative impact that the lack of housing production is having on the State's economic vitality, environmental goals and social diversity.

Under SB 35, cities that did not submit their most recent required annual progress report before the April 1 statutory deadline, or who are not on track to meet their Regional Housing Needs Allocation (RHNA) housing production obligations are required to follow a streamlined, ministerial approval process for qualified housing projects. On June 1, 2018, HCD confirmed that Los Altos failed to submit an annual progress report by the April 1 deadline, and so is subject to SB 35 streamlining for projects providing 10% of units affordable to households earning less than 80% AMI threshold.

The SB 35 approval process requires cities to approve projects within 90 days of submittal of an application if they propose 150 or fewer units, and such approval must be based only on whether the project complies with "objective planning standards." To qualify, the project must meet a number of criteria, including providing certain percentages of the units affordable to households with incomes below 80% area median income; paying prevailing wage for construction labor; and meeting all objective zoning and design review standards.

The terms "objective zoning standards" and "objective design review standards" are narrowly defined to 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." A comprehensive checklist of SB 35 requirements is found in Table 2 below. Because the statute mandates that the process is ministerial and that projects are judged purely on objective standards that do not involve the exercise of

discretion, CEQA does not apply to the SB 35 process. *See* 14 Cal. Code Regs. §15268(a) (“Ministerial projects are exempt from the requirements of CEQA”); *see also* Pub. Res. Code §21080(b)(1).

For the purposes of SB 35, “additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915” may not be considered when assessing the project’s compliance with the City’s objective standards (Gov. Code § 65914.4(a)(5)). The project qualifies for a density bonus under the State Density Bonus Law, because it will provide 20% of its base project units with rent affordable to households earning 80% of AMI. The benefits afforded under State Density Bonus Law also include waivers/modifications of development standards that would otherwise “physically preclude” the density bonus project and two concessions/incentives as discussed in the Density Bonus Report (Attachment D).

By meeting the provisions of the state density bonus law and SB 35, the proposed base project also exceeds the City of Los Altos affordability requirements under Chapter 14.28 of the City’s Zoning Ordinance.

PROJECT DESCRIPTION

Project Uses

The proposed project includes 15 dwelling units, 5,724 square feet of office space on the ground floor, and direct vehicular access to two-levels of below-grade parking via a vehicle elevator. The proposed parking is located within the structure in a secured basement-level garage. Above the ground floor are residential apartments. Two units will be provided at below-market rate rent at 80% AMI. The proposed apartment units, as demonstrated in the attached plans, contain a mix of one-, two-, and three- bedroom units.

Project Residential Affordability

The proposed project is subject to three different residential affordability criteria per the State of California statutes listed above and the Los Altos affordable housing requirements, as follows:

1. SB 35 requires 10% of units in Los Altos to be dedicated affordable units to households with incomes below 80% AMI, *see* Gov. Code § 65913.4(a)(4)(B)(i), and the project’s compliance with that criterion insures that it meets the requirements of the City of Los Altos’ Multiple-Family Affordable Housing Law (Chapter 14.26.030.D.2).
2. State Density Bonus Law thresholds require a rental project to provide at least 20% of its units to low income households with incomes of less than 80% AMI to be eligible for a 35% bonus and up to two incentives (*see* LAMC 14.28.040(C)(1)(a)(ii) Table DB 1 and *see* Gov. Code § 65915(d)(2)(B)).
3. City of Los Altos thresholds require 10% of units at 50% AMI (very low income) or 15% of units at 80% AMI (low income).

Density Bonus

The City of Los Altos Implementing Density Bonus Ordinance (Chapter 14.28 of the Los Altos Municipal Code) provides for the standard density bonus language as it appears in GC Sec. 65915, for density bonus

up to 35%. The local ordinance also allows for additional density through the application of a menu of pre-approved concessions/incentives, based on a project’s proposed unit affordability. The concessions/incentives that are pre-approved under the ordinance allow for a number of different items that an applicant may select, some of which result in additional floor area, units and density, consistent with Gov. Code § 65915(n).

Pursuant to Government Code Section 65915, and the local ordinance, the proposed project is entitled to a 35% density bonus, and up to two concessions/incentives. The proposed project only seeks to avail itself of one additional concession/incentive—an 11-foot height increase which provides for the 4th story in the 5-story massing proposed. The 5th story is the density bonus floor area. This is discussed in greater detail in the attached density bonus report.

Location

The proposed project at 40 Main Street is located at the northeast corner of the six-block downtown triangle. The project site measures 6,994 square feet.

Downtown Los Altos, the vicinity of the project site, and the surrounding uses supports a pedestrian-oriented shopping district with tree-lined streets and a small town-square ambiance. The project site is located at the north-east corner of the Downtown Core District. Directly adjoining the project site to the south are two single-story buildings housing a religious institution and an office. To the north there is a two-story office building with professional uses. Across Main Street to the east is a boutique hotel. The west face of the project site is a public parking lot.



This corner of the downtown area is zoned CRS/OAD (Commercial Retail Sales/Office-Administrative District). The Zoning Ordinance envisions this zone to provide a full range of retail, office, mixed-use residential, and commercial services while also encouraging a village-like pedestrian atmosphere that creates an entrance to the downtown.

Direction	Use	Zoning
North	Office	CRS/OAD
East	Hotel	CRS/OAD
South	Religious/Office	CRS/OAD
West	Parking	CRS/OAD

Project Design

The project is designed with a clearly defined architectural base, middle, and top. At the ground floor, tan stone, accented by bronze storefront frames, convey the office ground-floor use and set the base of the building. The light-colored stucco facades above are punctuated by recessed balconies and dark metal window frames. The top level is stepped back and contains a variety of roof forms, which break up the building massing and roofline.

Neighborhood Mixed Use Development

The project site is in a pedestrian-oriented environment with connections to transit. The VTA 40-line bus route runs directly from the site to the San Antonio Transit Center and the 52 line bus is located within walking distance and provides a connection to the Mountain View Caltrain station and the Mountain View-Winchester VTA Light Rail line. The surrounding neighborhood supports walkable destinations for residential goods and services. The proposed project will enhance the existing small-scale pedestrian-oriented environment of the Downtown, as envisioned by the Downtown Core Specific Plan, and provide needed new housing.



Project Statistics

The project includes the following major elements:

- Lot Size: 6,995 SF
- Lot Coverage: 6,745 SF
- Commercial Net Floor Area: 5,724 SF
- Gross Project Floor Area: 29,566 SF (not including basement parking areas)

PROJECT COMPLIANCE AND APPLICABILITY OF STANDARDS

Compliance with City of Los Altos Zoning and Design Review Standards

A comprehensive table analyzing the project’s consistency with all applicable zoning and design review standards is included as Attachment A of this Applicant Statement. Table 2 identifies key development standards.

Table 2: Zoning Development Standards – Downtown Commercial and CRS/OAD			
<i>Characteristic</i>	<i>CRS/OAD Standard</i>	<i>Base Project</i>	<i>Proposed Project</i>
Residential Units	N/A	8	15
Commercial Floor Area	N/A	5,724	5,724
Maximum Intensity (FAR) ⁽¹⁾	N/A	N/A	4.2
Maximum Building Height (feet)	30	30	56.5 (waiver and incentive)
Minimum First Floor Height	12	12	12
Maximum Stories	N/A	N/A	5
Setbacks (feet)			
Front (Min & Max)	0	0	0
Side (Min & Max)	0	0	0 to 10 (waiver)

Rear (Min.), adjacent to public parking	2 (landscaped)	2	2
Parking ⁽²⁾			
1 to 3 Bedroom Dwelling Unit	2 spaces/unit	8 (min. 1/unit per SB 35)	18 (min. 1/unit per SB 35) (waiver)
Visitor	1 space/4 units	N/A (per SB35)	N/A (per SB35)
Minimum Ground-Floor Transparency	60%	61%	61%

- (1) The Los Altos Zoning Ordinance objective development standards have been used in the consideration of the base project envelope for the proposed project at 40 Main Street, and the zoning ordinance was amended to eliminate the previously imposed FAR limit in this zoning district. There is no inconsistency between the city's zoning and its General Plan on this or any other point. Gov. Code §65319.4(a)(5)(B). The most recently adopted element of the City's General Plan, the Housing Element, explicitly affirms that under the General Plan, there is "no limit" on FAR in this district. (City of Los Altos 2015 Housing Element, at p. 89.) HCD certified the City's current Housing Element based on this representation, the City Council has approved several projects downtown based on an unlimited FAR, after finding that they conform with the General Plan. See, e.g., 240 Third Street 3/13/18 and 4/22/08 Staff Reports; 45 Main Street 4/22/08 Staff Report.
- (2) Based on participation in the public parking district, no parking is required for 100% of the lot area (i.e., 6,994 square feet). This standard exempts all of the office floor area (5,724 square feet) from the parking requirement and a portion of the residential requirement (1,271 square feet), which equates to one unit.

Attachment A identifies objective standards in the Zoning Ordinance and Downtown Design Guidelines.

Compliance with City of Los Altos General Plan and Downtown Core Area Plan

The project site is located within the Los Altos Downtown Area Plan. The project's General Plan land use designation is Downtown Commercial. Both the Los Altos Downtown Urban Design Plan and the General Plan land use designation support intensive mixed-use development at this location. The operative zoning for the site is CRS/OAD (Commercial). Since Los Altos is a general law City, its General Plan and Zoning Ordinance must be consistent with one another or the City's land use decision-making authority for all discretionary projects is compromised. When the Council adopted the zoning ordinances applicable to the project site, the City Council determined that those zoning ordinances complied with the General Plan, as required by State law—and it has continuously re-affirmed that determination when approving other projects in the same zoning district.

Environmental Review

SB 35 specifies that the approval process is "ministerial" and approval will be granted if the project complies with "objective standards," meaning standards for which no subjective judgment is exercised. Since CEQA does not apply to ministerial approvals such as this, environmental review is not required for the project.

PROJECT COMPLIANCE WITH ALL APPLICABLE LAWS

1. SB 35: Government Code Section 65913.4 (SB 35) Review and Approval Criteria

As shown Table 2, the submittal complies with the SB 35 eligibility requirements. The following table lists the criteria for a project's consideration per the Government Code, as demonstrated below and confirms that the project complies.

Table 2: Government Code Section 65913.4 Eligibility Requirement		Requirement satisfied?
1.	<p>Is the project a multifamily housing development with 2 or more units? Subd. (a)(1).</p> <p>The project is mixed use multifamily housing development with 15 units.</p>	Yes
2.	<p>Is the project located in an area designated by the U.S. Census Bureau as an urbanized area? Subd. (a)(2)(A).</p> <p>The project is located in the City of Los Altos, which is entirely within a U.S. Census urbanized area boundary. <i>See also:</i></p> <p>https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua78904_san_francisco--oakland_ca/DC10UA78904.pdf</p>	Yes
3.	<p>Is more than 75% of the project site's perimeter developed with urban uses? Subds. (a)(2)(B), (h)(8).</p> <p>SB 35 defines "urban uses" as "any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses." Based on these standards, the entirety of the Project site's perimeter is developed with urban uses.</p>	Yes
4.	<p>Does the site have either a zoning or a general plan designation that allows for residential use or residential mixed-use development, with at least two-thirds of the square footage designated for residential use? Subd. (a)(2)(C).</p> <p>The General Plan land use designation for the site is "Downtown Commercial" within the "Core" special planning area of Downtown, which is characterized by general retail and service uses as well as "higher density residential uses...in the Core and Periphery areas." The site is located in the CRS/OAD Commercial Retail Sales/Office zoning district which allows housing above the ground floor.</p> <p>The gross building area is approximately 29,566 sq. ft., of which 23,842 sq. ft., (approximately 80%) is designated for residential use.</p>	Yes

Table 2: Government Code Section 65913.4 Eligibility Requirement		Requirement satisfied?
5.	<p>Has the Department of Housing and Community Development (HCD) determined that the local jurisdiction is subject to SB 35? Gov't Code Sec. 65913.4(a)(4)(A).</p> <p>On June 1, 2018, HCD issued a revised determination regarding which jurisdictions throughout the State are subject to streamlined housing development under SB 35. The City of Los Altos is subject to SB 35 because it did not submit a 2017 Annual Progress Report by the required due date. Therefore projects are eligible for streamlining under SB 35 for proposed developments with at least 10% affordable units. See also:</p> <p>http://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary.pdf</p>	Yes
6.	<p>Will the project include the required percentage of below market rate housing units? Subd. (a)(3) and (a)(4)(B)</p> <p>Los Altos is subject to streamlining for 10% affordable projects because “[t]he locality did not submit its latest production report to the department by the time period required by Section 65400 [of the Government Code].” Gov. Code § 65913.4(a)(4)(B)(i). The project meets the required 10% of below-market rate housing units since the project includes two units, which will be available to low income households (up to 80% AMI) thereby exceeding the 10% threshold at 80% of AMI (as well as entitling the project to a 35% density bonus).</p>	Yes
7.	<p>Is the project consistent with “objective zoning standards” and “objective design review standards?” Subd. (a)(5)</p> <p>The Project will comply with all applicable objective standards, except where the project is entitled to waivers/modifications and concessions/incentives pursuant to State Density Bonus Law, as permitted by SB 35. SB 35 defines “objective planning standards” narrowly: “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.”</p> <p>See Attachment A for a complete list of objective zoning and design review standards associated with this project.</p>	Yes

<p>8. Is the project located outside of all types of areas exempt from SB 35? Subd. (a)(6-7), (10).</p> <p>The project site is not located within any of the below exempt areas.</p> <p><u>Subd.(a)(6) exempt areas:</u></p> <ul style="list-style-type: none">- Coastal zone- Prime farmland or farmland of statewide importance- Wetlands- High or very high fire hazard severity zones- Hazardous waste sites- Earthquake fault zone (unless the development complies with applicable seismic protection building code standards)- Floodplain or floodway designated by FEMA- Lands identified for conservation in an adopted natural community conservation plan or habitat conservation plan- Habitat for a state or federally protected species- Land under a conservation easement <p>The project site is not located on any of the above areas. See Attachment B for detailed mapping.</p> <p><u>Subd. (a)(7) exempt areas:</u></p> <ul style="list-style-type: none">- A development that would require the demolition of housing that:<ul style="list-style-type: none">- Is subject to recorded rent restrictions- Is subject to rent or price control- Was occupied by tenants within the last 10 years- A site that previously contained housing occupied by tenants within past 10 years- A development that would require the demolition of a historic structure on a national, state, or local register- The property contains housing units that are occupied by tenants, and units at the property are/were offered for sale to the general public by the subdivider or subsequent owner of the property. <p>There have been no dwelling units on the property at any point during the last ten years, and the project would not require the demolition of any residential or historic structures.</p> <p><u>Subd. (a)(10) exempt areas:</u></p> <ul style="list-style-type: none">- Land governed under the Mobilehome Residency Law- Land governed by the Recreational Vehicle Park Occupancy Law- Land governed by the Mobilehome Parks Act- Land governed by the Special Occupancy Parks Act	<p>Yes</p>
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Table 2: Government Code Section 65913.4 Eligibility Requirement	Requirement satisfied?
Response: The project site is not located on land governed by any of the above laws.	
<p>9. If the Project is not a public work, has the proponent certified that all construction workers employed in the development project be paid prevailing wages? Subd. (a)(8)(A).</p> <p>As detailed in Attachment C, the applicant certifies that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages.</p>	Yes
<p>10. Has the applicant made the required “skilled and trained workforce” certification, to the extent applicable? Subd. (a)(8)(B).</p> <p>The “skilled and trained workforce” certification requirement is inapplicable because the Project proposes fewer than 75 units. Gov. Code § 65913.4(a)(8)(B)(i)(I).</p>	Not Applicable.
<p>11. If the project involves a subdivision, are the criteria in subd. (a)(9) satisfied?</p> <p>The Project does not involve a subdivision.</p>	Not Applicable.

2. Density Bonus: Government Code Section 65915, Affordable Housing Compliance and Density Bonus Entitlement

The project is a rental project, so the provisions of GC Sec. 65915(b)(1)(A), 65915(d)(2)(B), and 65915(f)(1) apply with respect to levels of affordability and percentages of units as do the commensurate levels of density bonus and concessions/incentives. In the case of the proposed project, 25% of base project units will be provided at 80% AMI, allowing for up to a 35% density bonus, even though the SB 35 application would only require 10% of all units to be affordable at less than 80% AMI. It also provides that the project is allowed up to two concessions/incentives. The project has chosen to avail itself to only one concession/incentive from the approved list. See Attachment D for the Density Bonus Report, which includes a broader discussion of waivers/modifications and concessions/incentives.

3. Housing Accountability Act

As set forth in this Applicant Statement, the project is entitled to streamlined ministerial approval under SB 35. In addition, the Housing Accountability Act also requires the City of Los Altos to approve the project, and prohibits the city from reducing its requested density or imposing any conditions that have the same effect or impact on the ability of the project to provide housing Gov. Code § 65589.5(i), (j).

The project is protected under the Housing Accountability Act since it consists of at least two-thirds residential uses, and because it complies with the City’s objective standards and criteria, as demonstrated in Attachment A of this application statement. The City is only permitted to reject a project under these

circumstances if it can make findings based on a preponderance of evidence that the project would have a significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.” Gov. Code §65589.5(j). The Legislature recently affirmed its expectation that these types of conditions “arise infrequently.” Ch. 243, Stats. 2018, § 1 (adding subdivision (a)(3) to Gov. Code § 65585.5). Here, there is no evidence, let alone a preponderance of evidence, that the project would have any impact on public health and safety that cannot be feasibly mitigated.

A broad range of plaintiffs can sue to enforce the Housing Accountability Act, and the City would bear the burden of proof in any challenge. Gov. Code § 65589.5(k). As recently reformed in the 2017 legislative session, the act makes attorney’s fees and costs of suit presumptively available to prevailing plaintiffs, requires a minimum fine of \$10,000 per housing unit for jurisdictions that fail to comply with the act, and authorizes fines to be multiplied by five times if a court concludes that a local jurisdiction acted in bad faith when rejecting a housing development. *Id.*

**Applicant Statement, Attachment A
Objective Standards Table – 40 Main Street**

Under SB 35, the only applicable standards are those “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.” Gov. Code § 65913.4 (a)(5).

Projects that comply with objective standards cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).

See Gov. Code § 65913.4(a)(5) (consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”).

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
Section 14.54.030 - Permitted uses (CRS/OAD).		
The following uses shall be permitted in the CRS/OAD District: <ul style="list-style-type: none"> a) Business, professional, and trade schools located above the ground floor; b) Office-administrative services; c) Parking spaces and loading areas incidental to a permitted use; d) Personal services; e) Private clubs, lodges, or fraternal organizations located above the ground floor; f) Restaurants, excluding drive-through services; g) Retail; and h) Uses which are determined by the city planner to be of the same general character. 	Applicable objective criteria.	The project’s proposes office-administrative services on the ground floor, consistent with the permitted uses.
Section 14.54.040 – Conditional uses and structures (CRS/OAD).		

<p>Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS/OAD District:</p> <ul style="list-style-type: none"> A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area; B. Cocktail lounges; C. Commercial recreation; D. Hotels; E. Housing located above the ground floor; F. Medical and dental clinics; G. Medical and dental offices that are five thousand (5,000) gross square feet or more; and H. Uses which are determined by the planning commission to be of the same general character. 	<p>The project proposes a building of 29,566 square feet, including housing located above the ground floor.</p> <p>However, the requirement to seek a conditional use permit does not apply pursuant to SB 35. Projects that comply with objective standards cannot be required to obtain a discretionary use permit. <i>See</i> Gov. Code § 65913.4(a); <i>see also</i> HCD’s SB 35 Streamlined Ministerial Approval Draft Guidelines (9/28/18), § 300(b)(2).</p> <p>Under SB 35, the only applicable standards are those “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.” Gov. Code § 65913.4 (a)(5). As set forth below in Chapter 14.80 of the Los Altos Municipal Code, the standards for issuance of a Use Permit involve personal or subjective judgment and are not uniformly verifiable to any uniform benchmark or criterion.</p>	<p>Not applicable.</p>
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Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
14.54.050 - Required conditions (CRS/OAD)		
A. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for parking and loading spaces, incidental sales and display of plant materials and garden supplies occupying no more than one thousand five hundred (1,500) square feet of exterior sales and display area, outdoor eating areas operated incidental to permitted eating and drinking services, and as otherwise allowed upon the issuance of an outdoor display permit. Exterior storage is prohibited.	Applicable objective criteria.	All business would be conducted inside the proposed building. The project does not propose any business uses outside the enclosed structure nor exterior storage.
B. No use shall be permitted and no process, equipment, or materials shall be employed which are found to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness or electrical disturbances which are manifested beyond the premises in which the permitted use is located.	Not an objective standard. Under SB 35, the only applicable standards are those "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." Gov. Code § 65913.4 (a)(5). The conditions imposed by Chapter 14.54.050 (B) involve personal or subjective judgment and are not uniformly verifiable to any uniform benchmark or criterion.	Not applicable. However, the project does not propose uses associated with the impacts listed in subsection B.

<p>C. No property owner, business owner and/or tenant shall permit or allow operation of a business which violates the required conditions of this chapter, including the following general criteria:</p> <ol style="list-style-type: none"> 1. Refuse collection. Every development, including applications for tenant improvements, shall provide suitable space for solid waste separation, collection, and storage and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. Refuse collection areas are encouraged to be shared, centralized, facilities whenever possible. 2. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. 3. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply 	<p>C.1 Is not an objective standard. C.2 is not an objective standard. C.3 the project does not propose any use that emits any of the Bay Area Air Quality Management District defined air contaminants. C.4 Is not an objective standard. C.5 Is not an objective standard. C.6 the project does not propose any uses in conflict with 'Chapter 6.16 Noise Control'</p>	<p>Subsections C.1, C.2, C.4, C.5, and C.6 are not applicable. However, the project intends to provide refuse collection, lighting, and maintenance services, and does not propose to create unreasonable odors or noise.</p> <p>Subsection C.3 applies. The project does not propose to emit substantial air contaminants, as listed by the Air District (https://www.arb.ca.gov/toxics/id/taclist.htm) and would comply with all required state standards concerning air pollution that are applicable to a mixed use residential/office project.</p>
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<p>with applicable state standards concerning air pollution.</p> <ol style="list-style-type: none">4. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, facilities, and public sidewalks adjacent to the subject property shall be required. In the case of public sidewalks, maintenance shall be limited to keeping the sidewalk clean and free of debris, markings, and food and drink stains by means of sweeping, cleaning with water and/or steam cleaning.5. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.6. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code. In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height may be required at a commercial/residential interface. Other		
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Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.		
Section 14.54.060 – Front yard (CRS/OAD)		
With the exception of landscaping, all development in the CRS/OAD District must be built to the back of the sidewalk.	<p>Applicable objective criteria. The front and rear yards front onto sidewalks; the side yards do not.</p> <p>The setback requirements are waived by operation of the State Density Bonus Law, Gov. Code § 65915, as permitted by SB 35. See Gov. Code § 65913.4(a)(5) (consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”).</p>	<p>As shown on Sheet B1.01, the base project is built to the back of sidewalk along the front elevation. Along the rear elevation, which fronts a public parking lot (see subsection 14.54.080.A, below), the building is setback with landscaping between the building and sidewalk.</p> <p>The proposed project would have a setback of 0 feet in the front yard and a minimum of 2 feet in the rear yard. Pursuant to State Density Bonus Law, the applicant is entitled to a waiver of the setback requirements because the setbacks, if applied, would physically preclude the density bonus project.</p>
Section 14.54.070 – Side yard (CRS/OAD)		

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions

Provision	Applicability	Compliance
<p>No side yards shall be required, and none shall be allowed, except where the side property line of a site abuts a public parking plaza, the minimum width of the side yard shall be two feet which shall be landscaped. A required side yard may be used for parking except for the area required to be landscaped.</p>	<p>Applicable objective criteria. There is no proposed side yard and the side property lines do not abut the public parking plaza.</p> <p>The setback requirements are waived by operation of the State Density Bonus Law, Gov. Code § 65915, as permitted by SB 35. See Gov. Code § 65913.4(a)(5) (consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”).</p>	<p>As shown on Sheet B1.01, the base project has a side yard setback of 0 feet, in compliance with the minimum and maximum required setback.</p> <p>The proposed project would have a side yard of 0 to 10’ feet. Pursuant to State Density Bonus Law, the applicant is entitled to a waiver of the setback requirements because the setbacks, if applied, would physically preclude the density bonus project.</p>
<p>Section 14.54.080 – Rear yard (CRS/OAD)</p>		

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions

Provision	Applicability	Compliance
<p>No rear yard shall be required except as follows:</p> <p>A. Where the rear property line of a site abuts a public parking plaza, the minimum depth of the rear yard shall be two feet, which shall be landscaped.</p>	<p>Applicable objective criteria. The rear property line abuts a public parking plaza.</p> <p>The setback requirements are waived by operation of the State Density Bonus Law, Gov. Code § 65915, as permitted by SB 35. See Gov. Code § 65913.4(a)(5) (consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”).</p>	<p>As shown on Sheet B1.01, the base project has a rear yard setback minimum of 2 feet, which is landscaped, in compliance with this requirement.</p> <p>The proposed project would have a rear yard setback of 2 feet which is landscaped with planter boxes. Pursuant to State Density Bonus Law, the applicant is entitled to a waiver of the setback landscaping requirements because the setbacks, if applied, would physically preclude the density bonus project.</p>
<p>B. Where the rear property line of a site abuts an existing alley, the minimum depth of the rear yard shall be ten (10) feet, of which the rear two feet shall be landscaped. A required rear yard may be used for parking, except for the area required to be landscaped.</p>	<p>Not applicable to the project. The proposed project site does not abut an existing alley.</p>	<p>Not applicable.</p>
<p>Section 14.54.090 – Off-street parking (CRS/OAD)</p>		

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
<p>Parking facilities shall be provided in accordance with Chapter 14.74 of this title. In addition, parking facilities shall:</p> <p>A. Reduce the visual impact of parking structures and parking lots by locating them at the rear or interior portions of building sites</p>	<p>The requirements of Chapter 14.74 are discussed below.</p> <p>Subdivision (a) is an applicable standard.</p>	<p>The project complies by proposing interior parking in a two-level below-grade basement.</p>
<p>B. Minimize the street frontage of the lot or structure by placing its shortest horizontal edge along the street;</p>	<p>Applicable objective standard.</p>	<p>The project complies by proposing interior parking in a below-grade basement.</p>
<p>C. When parking structures must be located at street frontage because other locations are proven infeasible, the ground level frontage shall either be used for commercial space or shall provide a landscaped area not less than five feet in width between the parking area and the public right-of-way;</p>	<p>Does not apply pursuant to SB 35 – non-objective standard.</p>	<p>Not applicable. However, the project complies by proposing interior parking in a two-level below-grade basement.</p>
<p>D. Not be accessed from state or Main Streets unless no other access is feasible, in which case the number of direct entrances to parking facilities from streets shall be kept to a minimum;</p>	<p>The entrance to the parking garage is from the rear of the building and not from State or Main Streets.</p>	<p>Not applicable.</p>
<p>E. Provide a landscaped buffer not less than five feet in width between a parking lot or structure and street frontage or buildings. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature;</p>	<p>The project does not propose a parking lot or structure, since parking is provided below-grade.</p>	<p>Not applicable.</p>

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
F. Provide a minimum of interior landscaping for unenclosed parking facilities as follows: where the total parking provided is located on one site and is fourteen thousand nine hundred ninety-nine (14,999) square feet or less, five percent of total parking area; where the parking is fifteen thousand (15,000) through twenty-nine thousand nine hundred ninety-nine (29,999) square feet, seven and one-half percent of total parking area; and where the facility is thirty thousand (30,000) square feet or greater, ten (10) percent of total parking area;	The project does not propose unenclosed parking.	Not applicable.
G. Trees in reasonable number shall be provided; ground cover alone is not acceptable. Interior landscaping shall be distributed throughout the paved area as evenly as possible. Provision shall be made for automatically irrigating all planted area. All landscaping shall be protected with concrete curbs or other acceptable barriers. All landscaping shall be continuously maintained.	Does not apply pursuant to SB 35 – non-objective standards.	Not applicable.
14.54.110 – Off-street loading and refuse collection (CRS/OAD).		
A. Where buildings are served by alleys, all service-delivery entrances, loading docks, and refuse collection facilities shall be located to be accessed from the alley. No loading area shall be located at the street frontage or building facade.	The building is not served by an alley and no loading zones are proposed along the Main Street frontage.	Not applicable.

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
B. A minimum of thirty-two (32) square feet of covered refuse collection area shall be provided and shall not be located in any front or street side yard. Where an alley exists, the refuse collection area shall be accessed from the alley. Refuse collection areas shall be on site, but are encouraged to be shared, centralized, facilities whenever possible.	Applicable objective zoning standard.	Sheet B2.02 identifies the 184-square foot “Garbage/Recycle” room on the ground floor. The room opens onto the rear sidewalk, adjacent to the public parking plaza.
C. On sites not served by an alley, service areas shall be located to the rear, side, or at an internal location where visibility from public streets, public parking plazas and neighboring properties will be minimized.	Does not apply pursuant to SB 35 – non-objective standards.	Not applicable. However, the project complies by locating the service area adjacent to the rear of the building where visibility is minimized.
D. Refuse collection areas shall be enclosed by a screen wall of durable material and planting as necessary to screen views from streets, public parking plazas and neighboring properties.	Does not apply pursuant to SB 35 – non-objective standards.	Not applicable. However, the refuse collection area is located within the building.
14.54.120 – Height of structures (CRS/OAD).		

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions

Provision	Applicability	Compliance
<p>No 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.</p>	<p>Applicable objective criteria.</p> <p>Under SB35, consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”. See Gov. Code § 65913.4(a)(5) Accordingly, the project’s conformity with the height requirement is judged based on the “base project” and not on the plans that incorporate density bonus law modifications.</p>	<p>As shown on Sheet B4.01, the base project has a building height of 30 feet and a first-floor height of 12 feet and is therefore compliant with the district standards.</p> <p>Pursuant to the State Density Bonus Law, the applicant is entitled to a waiver of the height restriction for the partial 5th story because the height limit, if applied, would physically preclude the density bonus project.</p> <p>In addition to granting the density bonus, the City must also grant the Project up to two incentives or concessions pursuant to GC Sec. 65915(d)(1) because more than 10% of the “base density” units will be affordable to very low-income households. The City is required to grant the incentive for the 4th story, insofar as the request results in identifiable and actual cost reductions to provide for affordable housing costs and do not result in any adverse public health or safety impacts.</p> <p>As shown on Sheet A4.01, the proposed project would have a maximum height of 56’-6” and a first floor height of 12 feet.</p>
<p>14.54.130 – Design control (CRS/OAD).</p>		

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions

Provision	Applicability	Compliance
<p>A. No structure shall be built or altered including exterior changes in color, materials, and signage in the CRS/OAD District except upon approval of the city planner or as prescribed in Chapter 14.78 of this title</p>	<p>Does not apply pursuant to SB 35 – non-objective standards. See discussion of Chapter 14.78 below.</p>	<p>Not applicable.</p>
<p>B. Reduction of apparent size and bulk:</p> <ol style="list-style-type: none"> 1. As a general principle, building surfaces should be relieved with a change of wall plane that provides strong shadow and visual interest. 2. Every building over twenty-five (25) feet wide shall have its perceived height and bulk reduced by dividing the building mass into smaller-scale components by: <ol style="list-style-type: none"> i. A change of plane; ii. A projection or recess; iii. Varying cornice or roof lines; iv. Providing at least one entrance for every twenty-five (25) feet of building frontage; or v. Other similar means. 3. The proportions of building elements, especially those at ground level, should be kept intimate and close to human size by using recesses, courtyards, entries, or outdoor spaces along the perimeter of the building to define the underlying twenty-five (25) foot lot frontage. 	<p>In general, these provisions are not objective standards and therefore do not apply pursuant to SB 35.</p> <p>To the extent subsection B.2.i - iv are “objective,” the project complies.</p>	<p>B.2.i - iv: The proposed project incorporates the design features as stated in this section. It includes changes of plane, projections and recesses, varied cornice and roof lines, and the base project’s frontage along Main Street contains three entrances at less than 25-foot intervals, as shown in Sheet B2.02.</p> <p>Item B.2.v is not an objective standard, so it does not apply.</p> <p>The remaining provisions of section B. are not applicable.</p>

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions		
Provision	Applicability	Compliance
C. The primary access to the ground floor for all buildings shall be directly to the street or parking plazas, with the exception of arcade or interior courtyard spaces.	Applicable objective criteria.	The project complies because the ground floor entrances from Main Street consist of two entrances to the ground floor offices and an entrance to the residential lobby to access the units above.
D. Consideration should be given to the relationship of the project and its location in the downtown to the implementation of goals and objectives of the downtown urban design plan. Evaluation of design approval shall consider one or more of the following factors: <ol style="list-style-type: none"> 1. The project location as an entry, edge, or core site; 2. The ability to contribute to the creation of open space on-site or in designated areas; 3. Enhancement of the pedestrian environment through the use of pathways, plantings, trees, paving, benches, outdoor dining areas or other amenities; 4. Building facade improvements including, paint, signage, service areas, windows and other features; 5. On- or off-site improvements; and/or 6. Public or private landscape improvements. 	Does not apply pursuant to SB 35 – non-objective standards.	Not applicable.

Table 1: Chapter 14.54 – CRS/OAD Commercial Retail Sales/Office Administrative District/14.66 – General Standards and Exceptions

Provision	Applicability	Compliance
E. Opaque, reflective, or dark tinted glass should not be used on the ground floor elevation. Sixty (60) percent of the ground floor elevation should be transparent window surface.	Applicable objective standards.	As shown on Sheet B3.01, the base project complies by providing 61% transparency on the ground-floor elevation and does not propose dark tinted glass at the ground floor level. As shown on Sheet A3.01, the proposed project also complies with this standard.
F. Courtyards should be partially visible from the street or linked to the street by a clear circulation element such as an open passage or covered arcade.	This is not an Objective standard.	Not applicable.
G. Rooftop mechanical, venting, and/or exhausting equipment must be within the height limit and screened architecturally from public view, including views from adjacent buildings located at the same level.	The height limit provision represents an applicable objective standard.	Rooftop mechanical, venting, and/or exhausting equipment is screened from public view. The height limit is subject to the density bonus waiver and incentive already requested for height.
14.66.240 - Height limitations—Exceptions		
E. Cupolas, chimneys, tanks, or electrical or mechanical equipment required to operate and maintain the building, solar thermal and photovoltaic panels, parapet walls and skylights may project not more than twelve (12) feet above the roof and the permitted building height, provided the combined area of all roof structures, excluding solar thermal and photovoltaic panels, does not exceed four percent of the gross area of the building roof.	Applicable objective standards.	<p>As shown on Sheet B3.01, the base project complies since the parapet height extends just 9 feet above the permitted building height and the mechanical equipment represents 98 square feet (2%) of 6,156 square feet, and therefore does not exceed 4% of the gross area of the building roof. The proposed project has a ratio of 4.4% and therefore requests a waiver from this requirement.</p> <p>As noted above, for the proposed project, the height limit is subject to the density bonus waiver and the incentive for building height that are already requested.</p>

Table 2: Chapter 14.74 – Off-Street Parking And Loading		
14.74.080: Residential uses in CN, DC, CD/R3, CRS/OAD, CRS and CT Districts		
<p>For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district:</p> <p>A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.</p> <p>B. There shall be one and one-half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.</p> <p>C. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof. Mixed use projects may substitute nonresidential parking spaces for visitor use in-lieu of providing dedicated visitor parking spaces, subject to approval of the commission and council.</p>	<p>These standards do not apply pursuant to SB 35. Local governments “shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.” Gov. Code § 65913.4(d)(2).</p>	<p>Consistent with SB35 parking requirements, the base project provides 8 spaces for 8 units. The proposed project provides 18 spaces for 15 units, thereby meeting the SB35 standard.</p>
14.74.100 - Office uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts.		

<p>For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area.</p>	<p>Applicable objective standard.</p>	<p>The project site participates in the public parking district and therefore qualifies for parking exemptions for the 5,724-square foot office area and 1,271-square foot residential floor area, given the lot area of 6,995 square feet. Therefore no parking is required or provided for the office component, and no parking is required for one of the base project units, since several units are less than 1,271 square feet.</p> <p>Still, as noted above, consistent with SB35 parking requirements, the base project provides 8 spaces for 8 units. The proposed project provides 18 spaces for 15 units.</p>
<p>14.74.200 - Development standards for off-street parking and truck loading spaces</p>		
<p>A. Off-street parking facilities shall conform to the following standards:</p> <ol style="list-style-type: none"> 1. Perpendicular parking space size. Each standard parking space shall consist of an area not less than nine feet wide by eighteen (18) feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department. 	<p>Applicable objective standard.</p>	<p>As shown on Sheets A2.01 and A2.02, parking stalls measure a minimum of 9 x 18 feet.</p>
<ol style="list-style-type: none"> 2. Handicapped persons perpendicular parking space size. Parking stalls for the use of the physically handicapped shall comply with the requirements set forth in Part 2 of Title 24 of the California Administrative Code and Chapter 9 of Division 11 of the Vehicle Code of the state. 	<p>Applicable objective standard.</p>	<p>Project will comply with Title 24 ADA requirements for parking.</p>

3. Truck loading space size. Truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long.	No truck loading is required or provided.	Not applicable.
4. Clearance. Standard and compact parking spaces shall have a vertical clearance of at least seven feet over the entire area. In addition, the spaces shall be clear horizontally (for example, pillars in a basement or parking structure shall not be located in required parking spaces). Truck loading spaces shall have a vertical clearance of at least fourteen (14) feet.	Applicable objective standard.	As shown on Sheet A4.01, the parking areas have a vertical clearance of 11'-6", therefore complying with this standard. No loading spaces are required.
B. Each parking and loading space shall be accessible from a public street or alley.	Applicable objective standard.	Parking is accessible from the public parking lot and public access aisle at the rear of the building.
C. The parking and loading area shall be paved with an all-weather asphaltic concrete or Portland cement concrete pavement and marked in accordance with the city engineering standards (not applicable for single-family dwellings).	Applicable objective standard.	The parking garage will be paved with concrete per City Engineering standards.
D. Concrete bumper guards or wheel stops shall be provided for all parking spaces, except as provided in this section. The concrete curb around a perimeter landscaped area shall not be used as a bumper stop unless approved by the commission and the council. In such cases, the commission and the council may allow a parking space length to be reduced by two feet.	Applicable objective standard.	Wheel stops are provided for all parking spaces.
E. Lighting shall be deflected downward and away from any residential property.	Applicable objective standard.	All exterior lighting shall be deflected downward. No residential properties are adjacent to the site.
F. No advertising or sign, other than identification or direction signs, shall be permitted in the parking or loading area.	Applicable objective standard.	No advertising or signs, other than identification or direction signs, are proposed in the parking garage.

G. No repair or servicing of vehicles shall be permitted in the parking or loading area.	Applicable objective standard.	No vehicle repair or servicing is proposed.
H. No area which lies within the precise plan line for a public street or alley adopted by the council shall be computed as satisfying the parking and loading space requirements of this chapter.	Applicable objective standard.	The proposed project does not propose parking or loading within a public street or alley.
I. A parking area abutting on property in an R District or across a street or an alley from property in an R District shall be screened, subject to the approval of the planning department, by a solid fence or wall or a compact evergreen hedge or other screening not less than six feet high, subject to the provisions of Chapter 14.72 of this title regulating fences (not applicable for single-family dwellings).	The project site is not located in or adjacent to an R district site.	Not applicable.
J. The minimum width of a one-way drive shall be twelve (12) feet.	The project proposes a two-way drive aisle.	Not applicable.
K. The minimum width of a two-way drive shall be eighteen (18) feet.	Applicable objective standard.	As shown on Sheets A2.01 and A2.02, the two-way drive aisle measures 26 feet.
L. Space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need back into the street (not applicable for single-family dwellings).	Applicable objective standard.	No parking is proposed to back out onto a street.
M. Parallel and acute angle parking shall be designed for one-way traffic only, unless otherwise specified by the commission.	Applicable objective standard.	No angled or parallel parking is proposed for the project.

N. The minimum standards for the design of off-street parking areas shall be in accordance with those shown on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.	Applicable objective standard.	As shown on Sheets A2.01 and A2.02, the parking garage layout shows 9 x 18-foot parking spaces and a minimum back-up distance of 26 feet.
O. If found to be necessary or desirable by the city, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.	Does not apply pursuant to SB 35 – non-objective standards.	Not applicable.
P. District requirements resulting in one-half or greater parking space shall be deemed to require a full space.	These standards do not apply pursuant to SB 35. Gov. Code § 65913.4(d)(2).	Not applicable.
Q. For the purposes of this section, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.	This provision is a definition, not a substantive requirement.	Noted.

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
Provision	Applicability	Compliance
14.28.030 - General requirements		
The following provisions shall apply to all multiple-family residential projects: A. One (1) to four (4) units. Affordable housing units are not required. B. Five (5) to nine (9) units. Affordable housing units are required. In the event that the developer can demonstrate to the satisfaction of the city council that providing affordable housing units in a project will be	The base project proposes 8 multiple-family residential units and therefore is subject to this subsection.	The base rental project provides 25% of units (2 units) for low income households (up to 80% AMI), thereby exceeding the requirement.

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>financially infeasible, the city council may waive the requirement to provide affordable housing units.</p> <p>C. Ten (10) units or more. Affordable housing units are required.</p> <p>D. For multiple-family residential projects where affordable housing units are required, the following minimum percentage of units shall be provided.</p> <ol style="list-style-type: none"> 1. Rental units. Fifteen (15) percent low income or ten (10) percent very-low income housing. 2. Owner units. Ten (10) percent moderate income housing. <p>E. Notwithstanding Section 14.28.030 (D) in projects containing more than ten (10) units and when more than one (1) affordable unit is required at least one (1) affordable unit must be provided at the low income level.</p>		
<p>F. Unless otherwise approved by the city council, all affordable units in a project shall be constructed concurrently with market rate units, shall be dispersed throughout the project, and shall not be significantly distinguishable by design, construction or materials.</p>	<p>Applicable objective standard.</p>	<p>The BMR units will be constructed concurrently with the market rate units and will not be significantly distinguishable by design, construction or materials. One unit is proposed on the second floor and one unit is proposed on the third floor so the units are "dispersed throughout the project."</p>
<p>G. Any tentative map, use permit, PUD, design application or special development permit approved for multiple-family residential construction projects meeting the foregoing criteria shall contain sufficient conditions of approval to ensure compliance with the provisions of this chapter.</p>	<p>No tentative map is proposed. Additionally, no discretionary use permits are required pursuant to SB 35. Projects that comply with objective standards cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).</p>	<p>Not applicable.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
14.28.040 - Density bonuses.		
<p>C. Development eligibility, bonus densities, and incentive counts.</p> <p>1. Eligible developments, bonus densities, and incentive counts. The developments identified in this subsection are eligible for density bonuses and/or incentives as well as parking requirement alterations and waivers. For each development, this section provides levels of density bonus available and the number of incentives available. For applicable standards, see subsections (E) (Density Bonus Standards), (F) (Incentive Standards), (G) (Parking Requirement Alteration Standards), and (H) (Waivers Standards)</p> <p>a. Housing development with low income restricted affordable units, for sale or for rent. A housing development project that includes at least ten (10) percent of the total units of the project for low income households, either in for sale or for rent, shall be granted the following:</p> <p>i. Density bonus. A project that includes ten (10) percent low income housing shall be granted a density bonus of twenty (20) percent. For each one percent increase above the required ten (10) percent low income units, the density bonus shall be increased by one and one-half percent, up to a maximum density bonus of thirty-five (35) percent. See Table DB 1.</p>	<p>Applicable objective standard.</p>	<p>The 8-unit base project includes 2 low income units, which equates to 25% of the base project. Therefore the project qualifies for a 35% bonus.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing										
<p>Table DB 1</p> <table border="1"> <thead> <tr> <th>Percentage Low Income Units</th> <th>Percentage Density Bonus</th> </tr> </thead> <tbody> <tr> <td>20 or more</td> <td>35.0</td> </tr> </tbody> </table>			Percentage Low Income Units	Percentage Density Bonus	20 or more	35.0				
Percentage Low Income Units	Percentage Density Bonus									
20 or more	35.0									
<p>ii. Incentives. A project that includes at least ten (10) percent low income units shall be granted one incentive. A project that includes at least twenty (20) percent low income units shall be granted two incentives. A project that includes at least thirty (30) percent low income units shall be granted three incentives. See Table DB 2.</p>	<p>Applicable objective standard.</p>	<p>The base project includes 25% low income units. Therefore the project qualifies for two incentives.</p>								
<p>Table DB 2</p> <table border="1"> <thead> <tr> <th>Percentage Low Income Units</th> <th>Number of Incentives</th> </tr> </thead> <tbody> <tr> <td>10 or more</td> <td>1</td> </tr> <tr> <td>20 or more</td> <td>2</td> </tr> <tr> <td>30 or more</td> <td>3</td> </tr> </tbody> </table>			Percentage Low Income Units	Number of Incentives	10 or more	1	20 or more	2	30 or more	3
Percentage Low Income Units	Number of Incentives									
10 or more	1									
20 or more	2									
30 or more	3									
<p>D. Application processing and review.</p> <p>1. Application. An application for a density bonus, incentives, parking requirements alterations, and/or waiver or any other provision in this section shall:</p> <p>a. Be submitted in conjunction with an applicable development permit application;</p>	<p>Applicable objective standard.</p>	<p>See Attachment D for compliance with these standards.</p>								

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing

<p>b. Be made on a form provided by the community development department;</p> <p>c. Be accompanied by applicable fees;</p> <p>d. Include reasonable documentation, using forms prepared by the city, and supporting materials that demonstrate how any concessions and/or incentives requested by applicant result in identifiable and actual cost reductions to provide the affordable housing;</p> <p>e. Include reasonable documentation and supporting materials that demonstrate how a requested modification to or waiver of an applicable development standard is needed in order to avoid physically precluding the construction of the proposed project at the densities authorized under this section or with the concessions and/or incentives requested; and</p> <p>f. Include any other documentation or materials required by this section or by the city for the purpose of density bonus, incentives, parking requirements alterations, and/or waivers or any other provision in this section.</p> <p>2. Review authority. Applications shall be reviewed by the review authority charged to review the applicable development permit application.</p>		
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Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>E. Density bonus standards. Developments eligible for density bonuses as provided in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) may receive the density bonuses as provided below:</p> <ol style="list-style-type: none"> 1. No waiver required. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards. 2. Density calculation. The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located. 3. Fractional units. All density bonus calculations shall be rounded up to the next whole number including the base density, restricted affordable units, and the number of affordable units required to be eligible for a density bonus. 4. Minimum number of dwelling units. For the purpose of establishing the minimum number of five dwelling units in a project, the restricted affordable units shall be included and density bonus units shall be excluded. 5. Other discretionary approval. Approval of density bonus units shall not, in and of itself, 	<p>Applicable objective standard.</p>	<p>See Attachment D for compliance with these standards.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing

<p>trigger other discretionary approvals required by this Code.</p> <p>6. Other affordable housing subsidies. Approval of density bonus units does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.</p> <p>7. Optional density bonuses. Nothing in this section shall be construed to prohibit the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.</p> <p>8. Lesser percentage of density bonus. If elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density, is permissible.</p>		
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Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>F. Incentive standards. A development eligible for incentives as provided in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) may receive incentives or concessions as provided in subsections (F)(1) (On-Menu Incentives) or (F)(2) (Off-Menu Incentives).</p> <p>1. On-menu incentives. The city council has determined that the on-menu incentives listed below would not have a specific, adverse impact.</p> <p>a. Lot coverage. Up to twenty (20) percent increase in lot coverage limits.</p> <p>b. Lot width. Up to twenty (20) percent decrease from a lot width requirement.</p> <p>c. Floor area ratio. In zone districts with a floor area ratio maximum, an increase in the maximum floor area equal to the floor area of the affordable housing units for the housing development project, up to a thirty-five (35) percent increase in the floor area maximum.</p> <p>d. Height. Up to an eleven (11) foot increase in the allowable height.</p> <p>e. Yard/setback. Up to twenty (20) percent decrease in the required width or depth of any individual yard or setback except along any property line that abuts a single-family R1 zoned property.</p>	<p>Under SB35, consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”. See Gov. Code § 65913.4(a)(5). Accordingly, the project’s conformity with the height requirement is judged based on the base project and not on the plans that incorporate density bonus modifications.</p>	<p>The proposed project includes one on-menu incentive for an 11-foot increase in building height.</p> <p>The City is required to grant the incentive for the 4th story, insofar as the request results in identifiable and actual cost reductions to provide for affordable housing costs and do not result in any adverse public health or safety impacts.</p> <p>As shown on Sheet A4.01, the proposed project would have a maximum height of 56’-6” and a first floor height of 12 feet.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>f. Open space. Up to twenty (20) percent decrease from an open space requirement, provided that (i) the landscaping for the housing development project is sufficient to qualify for the number of landscape points equivalent to ten (10) percent more than otherwise required by Chapter 12.40 (Uniform Code for the Abatement of Dangerous Buildings) and Landscape Ordinance Guidelines "O," and (ii) any such reduction is first applied to open space on any project floor or floors above grade.</p>		
<p>2. Off-menu incentives. An applicant may request an incentive not included in subsection (F)(1) (On-Menu Incentives), so long as such incentive meets the definition under state law. The review authority will determine whether any such requested off-menu incentive may have a specific, adverse impact.</p>	<p>The proposed project does not request any off-menu incentives.</p>	<p>Not applicable.</p>
<p>G. Parking requirement alteration standards.</p> <p>1. General parking requirement. Developments eligible for density bonuses and/or incentives as provided in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) must comply with the applicable parking provisions of Chapter 14.74 (Off-Street Parking and Loading), unless the development qualifies for a parking requirement alteration as provided in subsections (G)(2) (On-Menu</p>	<p>See discussion of Chapter 14.74, above.</p>	<p>See discussion of Chapter 14.74, above.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
Parking Requirement Alterations) or (G)(3) (Off-Menu Parking Requirement Alterations).		
<p>H. Waiver standards.</p> <ol style="list-style-type: none"> 1. Waivers or reduction. An applicant may apply for a waiver or reduction of development standards that will have the effect of physically precluding the construction of a development identified in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city to discuss the proposed waiver or reduction. 2. No Change in other incentives. A proposal for the waiver or reduction of development standards described in subsection A shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this section. 3. Denial of requested waiver. The reviewing authority may deny a request for a waiver under this section if it finds the waiver would: <ol style="list-style-type: none"> a. Waive or reduce a development standard that would not have the effect of physically precluding the construction of a development meeting the criteria of this section at the densities or with the 	<p>Under SB35, consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”. See Gov. Code § 65913.4(a)(5). Accordingly, the project’s conformity with the height requirement is judged based on the base project and not on the plans that incorporate density bonus modifications.</p>	<p>Pursuant to the State Density Bonus Law, the applicant is entitled to a waiver of the height restriction for the partial 5th story because the height limit, if applied, would physically preclude the density bonus project.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>incentives permitted under this section; or</p> <ul style="list-style-type: none"> b. Have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or c. Have an adverse impact on any real property that is listed in the California Register of Historical Resources; or d. Be contrary to state or federal law. 		
<p>I. Covenants.</p> <ul style="list-style-type: none"> 1. Covenant required. Prior to issuance of a building permit for a development identified in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) that qualified for a density bonus, incentive, and/or parking alteration, the developer must record a restrictive covenant against the development as provided in subsection (1)(2) (Covenants for Specific Developments). 2. Covenants for specific developments. <ul style="list-style-type: none"> a. For rental developments for low or very low income households. For a development that contains rental housing for low or very low income households, a covenant acceptable to the city shall be 	<p>Applicable objective standard.</p>	<p>The Project will comply with the requirement to record a covenant as required, prior to issuance of a building permit.</p>

Table 3: Chapter 14.28 - Multiple-Family Affordable Housing		
<p>recorded with the Santa Clara County Recorder, guaranteeing that the affordability criteria will be observed for at least fifty-five (55) years from the issuance of the certificate of occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.</p> <p>...</p> <p>3. Private right of action. Any covenant described in this section must provide for a private right of enforcement by the city, any tenant, or owner of any building to which a covenant and agreement applies.</p> <p>4. Conflict of durations. If the duration of affordability covenants provided for in this section conflicts with the duration for any other government requirement, the longest duration shall control.</p> <p>J. State regulations. All other provisions of California Government Code Sections 65915 to 65918, and any amendments thereto, not specified herein are incorporated by reference into this section.</p>		

Table 4: Chapter 14.78 - Design and Transportation Review--Multiple-Family, Public and Community Facilities, Office and Administrative, and Commercial Districts		
Provision	Applicability	Compliance
14.78.020 - Requirement for administrative design review.		
<p>A. No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within an R3, PCF, PUD, PC, OA or C district, until such construction has received administrative design review approval by the community development director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.</p> <p>B. Whenever, as determined by the community development director or their designee, the construction, expansion or modification of a main or accessory structure may be in conflict with the design review findings contained in this chapter, the project shall be referred to the planning and transportation commission for action on the design review approval.</p>	<p>Under SB 35, the only applicable standards are those “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.” Gov. Code § 65913.4 (a)(5). Any required “design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction.” Gov. Code § 65913(c).</p> <p>Aside from the zoning development standards and objective Downtown Design Guidelines described in this attachment, the city has not adopted any other objective design standards by ordinance or resolution.</p>	<p>Pursuant to SB 35, the proposed project is only subject to “objective” design review standards. The only applicable Downtown Design Guideline standards that qualify as “objective” are listed below. No other objective standards are contained in the guidelines. The project has been designed to conform to both standards. No conflicts with any objective standards are proposed, and any review approval “shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects” and these two objective design standards. Gov. Code § 65913(c).</p>

Table 5: Downtown Design Guidelines		
Provision	Applicability	Compliance
Downtown Commercial Core <i>Most of these adopted design guidelines do not qualify as "objective" under SB 35. Below are the guidelines that could be interpreted as objective standards.</i>		
3.2.3d: Utilize awnings and canopies at windows and entries ... <ul style="list-style-type: none"> Keep the mounting height at a human scale with the valence height not more than 8 feet 	Applicable objective standard.	The base project provides awnings across most windows and entries. As shown on Sheets B4.01 and B5.01, the ground floor awning height is at 8 feet above grade.
3.2.4c: Utilize operable windows in traditional styles. Recess windows at least 3 inches from the face of the wall.	Applicable objective standard.	As shown on Sheet B5.01, windows are recessed at least 3 inches from the face of wall.

Applicant Statement, Attachment B SB 35 Environmental Mapping – 40 Main Street

Establishing that the project at 40 Main Street is outside certain regulatory zones as required for SB 35 threshold compliance.

- Coastal zone
- Prime farmland or farmland of statewide importance
- Wetlands
- High or very high fire hazard severity zones
- Hazardous waste sites
- Earthquake fault zone (unless the development complies with applicable seismic protection building code standards)
- Floodplain or floodway designated by FEMA
- Lands identified for conservation in an adopted natural community conservation plan or habitat conservation plan
- Habitat for a state or federally protected species
- Land under a conservation easement

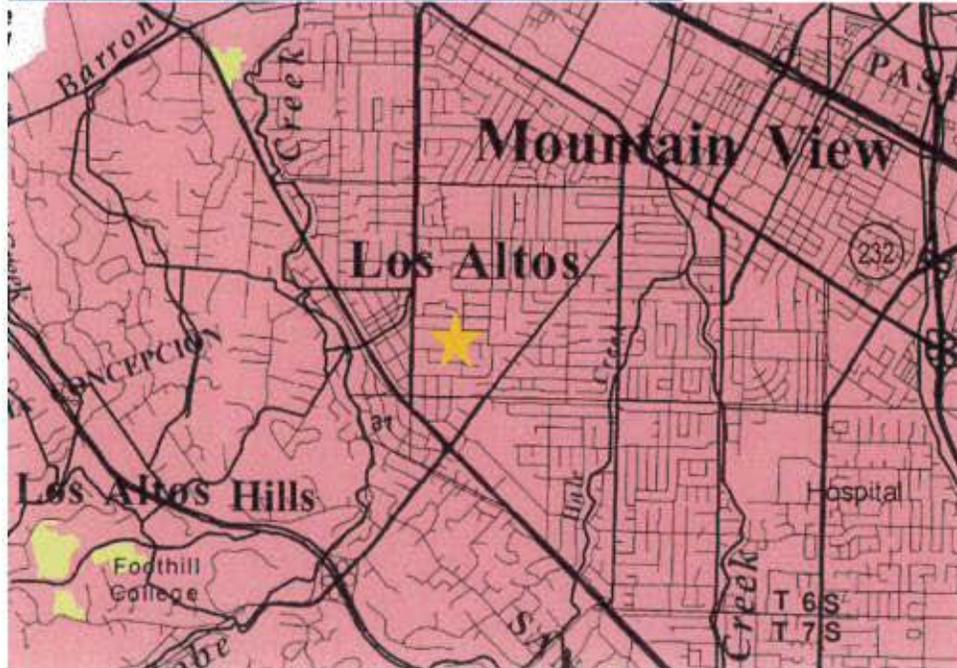
California Coastal Zone: <https://www.coastal.ca.gov/maps/czb/>



Map does not extend far enough east to show project site. Coastal zone does not extend past San Francisco.

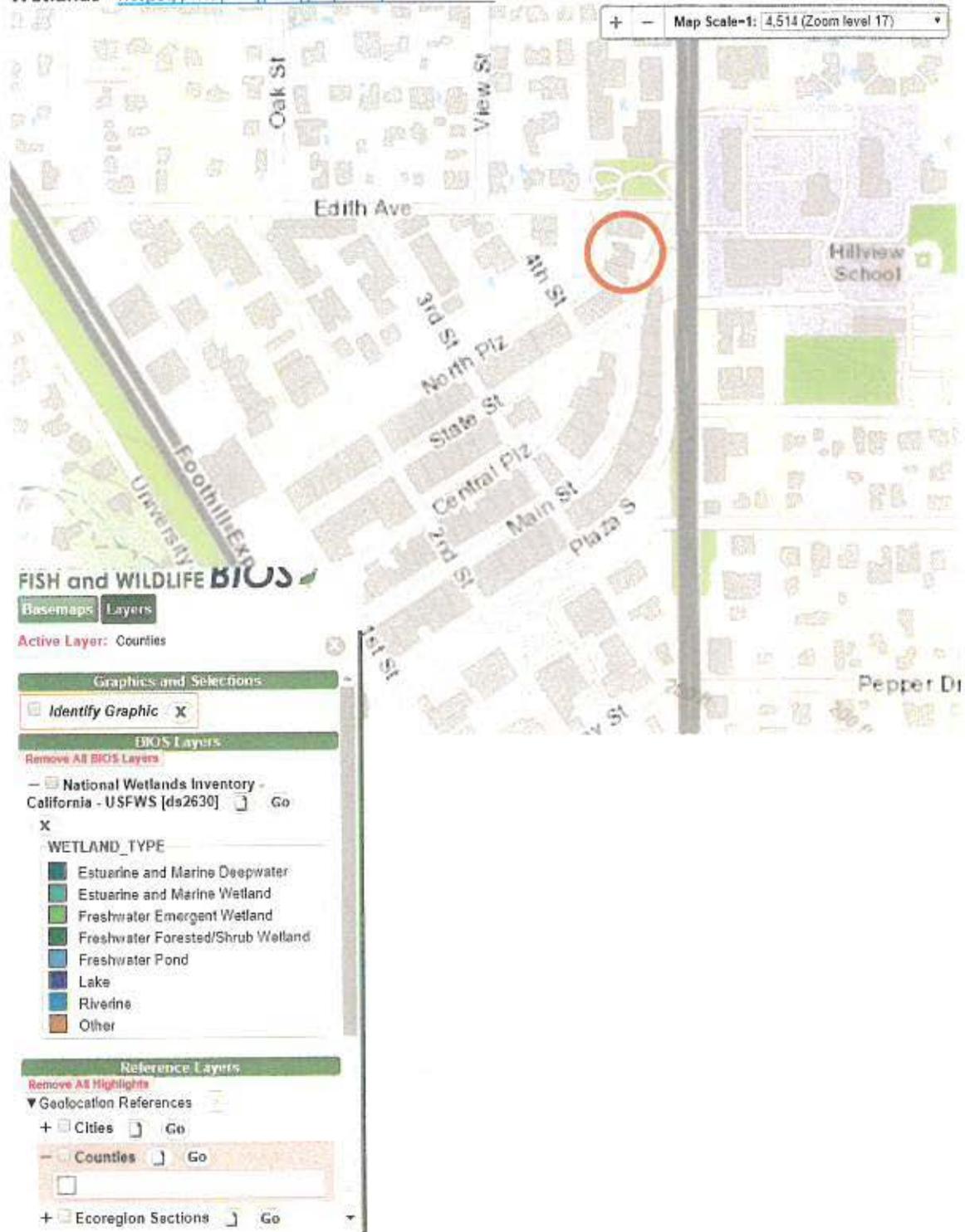
Prime farmland or farmland of statewide importance:

<http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf>



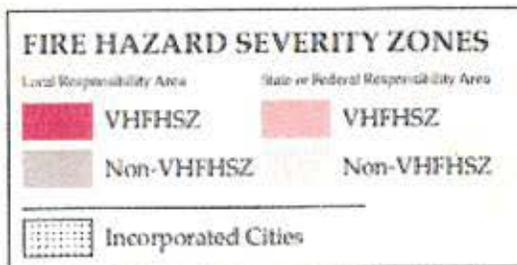
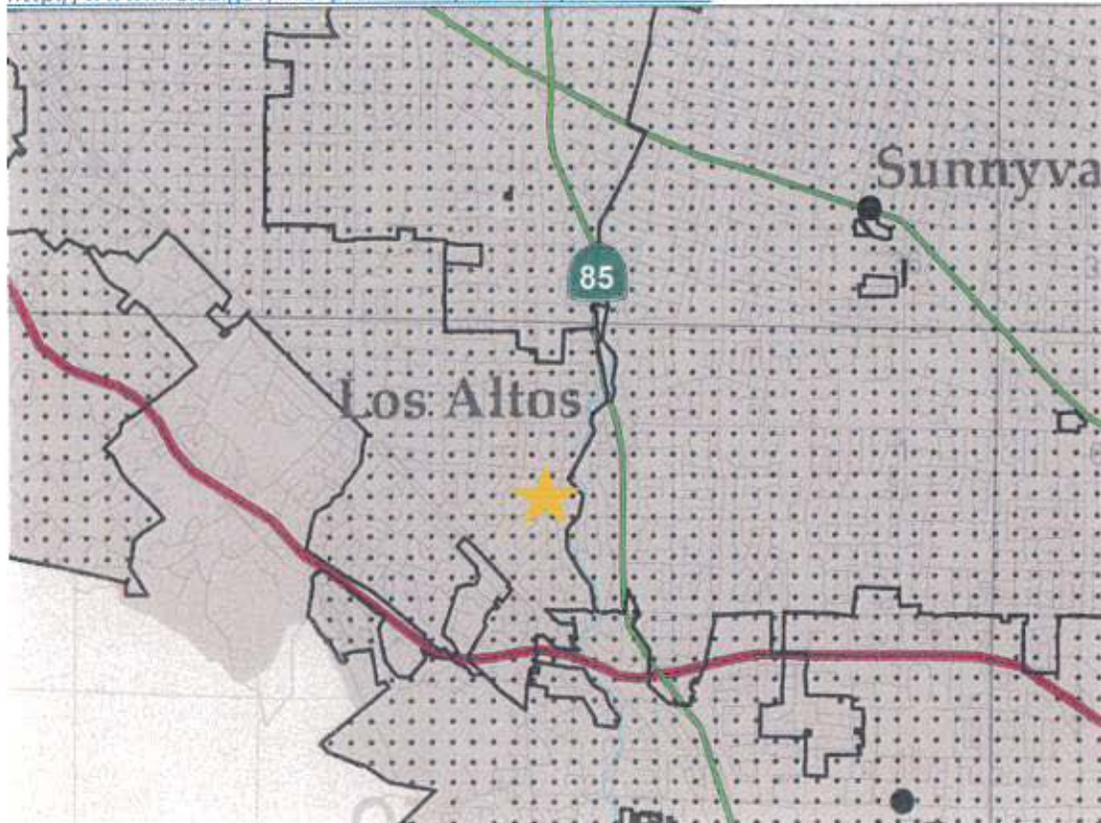
-  **PRIME FARMLAND**
 PRIME FARMLAND HAS THE BEST COMBINATION OF PHYSICAL AND CHEMICAL FEATURES ABLE TO SUSTAIN HIGH-YIELD AGRICULTURAL PRODUCTION. THIS LAND HAS THE SOIL QUALITY, SLOPING GRADE, AND MOISTURE SUPPLY NEEDED TO PRODUCE HIGH-YIELDING CROPS. LAND MUST HAVE BEEN USED FOR DESIGNATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.
-  **FARMLAND OF STATEWIDE IMPORTANCE**
 FARMLAND OF STATEWIDE IMPORTANCE IS SIMILAR TO PRIME FARMLAND BUT WITH VARIOUS SHORTCOMINGS, SUCH AS GREATER SLOPES OR LESS ABILITY TO STORE SOIL MOISTURE. LAND MUST HAVE BEEN USED FOR DESIGNATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.
-  **UNIQUE FARMLAND**
 UNIQUE FARMLAND CONSISTS OF LESSEER QUALITY SOILS USED FOR THE PRODUCTION OF THE STATE'S LEADING AGRICULTURAL CROPS. THIS LAND IS USUALLY IRRIGATED, BUT MAY INCLUDE NONIRRIGATED ORCHARDS OR VINEYARDS AS FOUND IN SOME CLIMATIC ZONES IN CALIFORNIA. LAND MUST HAVE BEEN CROPPED AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.
-  **FARMLAND OF LOCAL IMPORTANCE**
 SMALL ORCHARDS AND VINEYARDS PRIMARILY IN THE FOOTHILL AREA. ALSO LAND CULTIVATED AS DRY CROPLAND FOR GRAINS AND MAY.
-  **GRAZING LAND**
 GRAZING LAND IS LAND ON WHICH THE EXISTING VEGETATION IS SUITED TO THE GRAZING OF LIVESTOCK.
-  **URBAN AND BUILT-UP LAND**
 URBAN AND BUILT-UP LAND IS OCCUPIED BY STRUCTURES WITH A BUILDING DENSITY OF AT LEAST 1 UNIT TO 1.5 ACRES, OR APPROXIMATELY 4 STRUCTURES TO A 10-ACRE PARCEL. COMMON EXAMPLES INCLUDE RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL FACILITIES, CEMETERIES, AIRPORTS, GOLF COURSES, SANITARY LANDFILLS, SEWAGE TREATMENT, AND WATER CONTROL STRUCTURES.
-  **OTHER LAND**
 OTHER LAND IS LAND NOT INCLUDED IN ANY OTHER MAPPING CATEGORY. COMMON EXAMPLES INCLUDE LOW DENSITY RURAL DEVELOPMENTS, TRUCK TRAILERS, WETLAND, AND RIPARIAN AREAS NOT SUITABLE FOR LIVESTOCK GRAZING, CONFINED LIVESTOCK, PONDING, OR AGRICULTURE FACILITIES. ZERO MEAS, HOLLOW TUB, AND WATER PIPES SMALLER THAN 48 INCHES. VACANT AND NONAGRICULTURAL LAND SURROUNDING OR ALL SIDES BY URBAN DEVELOPMENT AND GREATER THAN 10 ACRES IS MAPPED AS OTHER LAND.
-  **WATER**
 PERENNIAL WATER BODIES WITH AN EXTENT OF AT LEAST 40 ACRES.

Wetlands - <https://map.dfg.ca.gov/bios/?al=ds2630>



High or very high fire hazard severity zones:

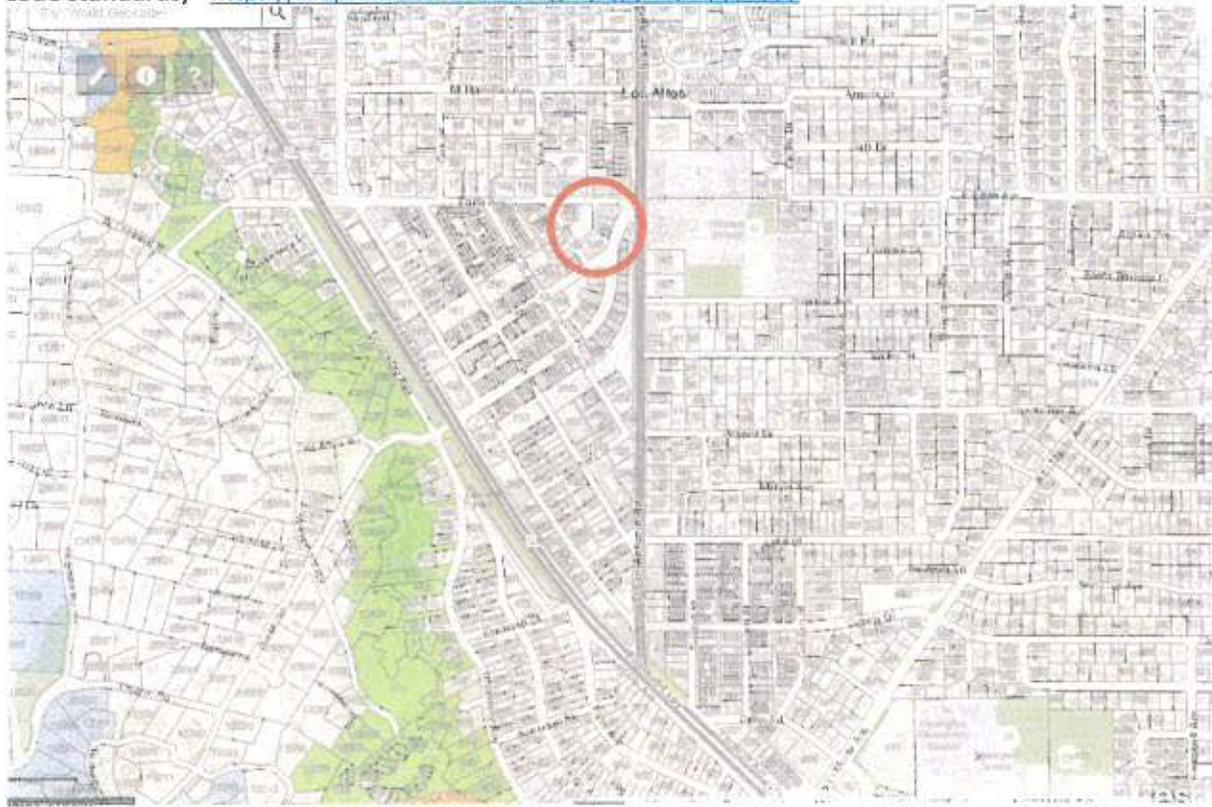
http://www.fire.ca.gov/fire_prevention/fhsz_maps_santaclara



Hazardous waste sites - <https://www.envirostor.dtsc.ca.gov/public/map/?assembly=15>



Earthquake fault zone (unless the development complies with applicable seismic protection building code standards) - <https://maps.conservation.ca.gov/cgs/EQZApp/app/>



Legend

Fault Traces

- Accurately Located
- - - - - Approximately Located
- - - - - Approximately Located, Queried
- - - - - Inferred
- - - - - Inferred, Queried
- - - - - Concealed
- - - - - Concealed, Queried
- - - - - Aerial Photo Lineament

Fault Zone

■

Liquefaction Zone

■

Landslide Zone

■

Liquefaction Landslide Overlap Zone

■

Area Not Evaluated for Liquefaction or Landslides

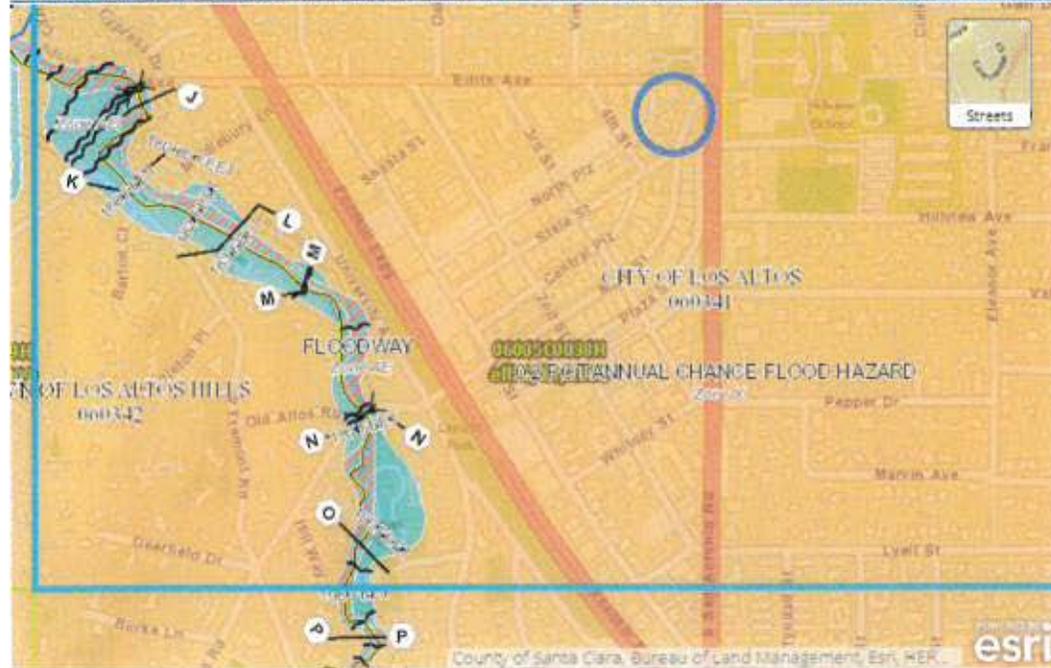
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Parcels

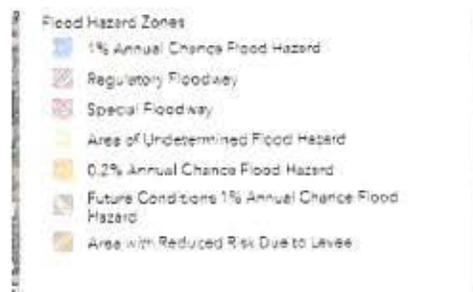
- Parcel is in an Earthquake Fault Zone, a Liquefaction Zone, and a Landslide Zone
- Parcel is in an Earthquake Fault Zone and a Liquefaction Zone
- Parcel is in an Earthquake Fault Zone and a Landslide Zone
- Parcel is in an Earthquake Fault Zone
- Parcel is in a Liquefaction Zone and Landslide Zone
- Parcel is in a Liquefaction Zone
- Parcel is in a Landslide Zone
- Parcel is not in a zone or has not been evaluated

Floodplain or floodway designated by FEMA

https://p4.msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfh/print/nfh/printtool2_gpserver/j3e95bb95d8e84c8ba35aa1458af56f3d/scratch/FIRMETTE_6139409e-dc95-11e8-a026-001b21b31e35.pdf



Site is located within Zone X: a 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average flood depth less than one foot or with drainage areas of less than one square mile.



Lands identified for conservation in an adopted natural community conservation plan or habitat conservation plan - <http://www.calands.org/map>



Habitat for a state or federally protected species

Federal:

<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>



Applicant Statement, Attachment C
SB 35 Prevailing Wage Commitment Letter – 40 Main Street

November 8, 2018

Jon Biggs
Community Development Director
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Re: Commitment to and Certification of SB 35 Prevailing Wage and Skilled & Trained
Workforce Requirements

Dear Mr. Biggs:

By way of this letter, 40 Main Street Offices, LLC (the "Applicant"), the applicant for the 40 Main Street Project ("Project"), certifies that per the requirements of Senate Bill 35, all construction workers will be paid the applicable prevailing wages.

The Applicant hereby certifies that all requirements in California Government Code § 65913.4(a)(8)(A)(ii) will be met. Specifically, all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. The Applicant will ensure that the prevailing wage requirement is included in all contracts for the performance of the work and will ensure that all other requirements contained in Gov. Code § 65913.4(a)(8)(A)(ii) will be satisfied, as applicable.

Sincerely,

Thomas S. Foreman
for Geom Management Group, Inc.
its Managing Member

Applicant Statement, Attachment D Density Bonus Report – 40 Main Street

1. Requested Density Bonus

- I. *Minimum Number of Dwelling Units:* the project proposes to build 15 rental units which includes two below market rate units. This exceeds the minimum threshold for the City's ordinance, which is five dwelling units.
- II. *Summary Table of Permitted and Proposed Units:*

Dwelling Unit Summary	
Base project dwelling units permitted by zoning and general plan	N/A – no density standard in Los Altos Zoning Code for CRS/OAD. Based on the development standards for the site, the project is entitled to two floors of residential above the ground floor (see Applicant Statement and Attachment A: Compliance with Objective Zoning Standards), based on the 30-foot height limit. The base project includes 8 units.
Proposed number of affordable units by income level	The project proposes two units affordable to low-income households, defined as earning less than 80% of Area Median Income (AMI).
Proposed bonus percentage	Project proposes eight base units of which two (25% of project) are affordable. The project is therefore entitled to a 35% density bonus.
Number of density bonus units proposed	The project proposes 7 density bonus units.
Total number of dwelling units proposed	A total of 15 units are proposed.
Proposed Density per Acre	Total project is 93 dwelling units per acre. (Site is 6,994 square feet with 15 units.)

- III. *Tentative map and/or preliminary site plan. Must show the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.*

See second floor and third floor plans in attached plan set for the location of the proposed affordable units.

- IV. *Zoning and general plan designations and assessor parcel number.*

Characteristic	Designation
Zoning District	CRS/OAD
General Plan Land Use	Downtown Commercial
Assessor's Parcel Number (APN)	167-38-032

V. *Calculation of the maximum number of dwelling units permitted by the City’s zoning ordinance and general plan for the housing development, excluding any density bonus units.*

The Los Altos Zoning Ordinance and general plan do not specify a maximum number of dwelling units.

VI. *Number of bedrooms in the proposed market-rate units and the proposed affordable units.*

Floor	Market Rate Units	Below Market Rate Unit
First	N/A	N/A
Second	4 units: <ul style="list-style-type: none"> • 1 one bedroom • 2 two bedroom • 1 three bedroom 	1 two bedroom unit
Third	4 units <ul style="list-style-type: none"> • 1 one bedroom • 2 two bedroom • 1 three bedroom 	1 one bedroom unit
Fourth	4 units <ul style="list-style-type: none"> • 1 one bedroom • 2 two bedroom • 1 three bedroom 	
Fifth	3 units: 3 two bedroom	

VII. *Description of all dwelling units that have existed on the site in the previous five-year period.*

N/A. For at least the past five years, the project has been a commercial property with no housing units.

VIII. *Description of any recorded document applicable to the site that restricted rents.*

N/A. For at least the past five years, the project has been a commercial property with no housing units.

IX. *Land donation density bonus question.*

N/A, no land donation is included as part of this application.

2. *Requested Incentive(s) and Concessions*

The project is entitled to two concessions under LAMC Sec. 14.28.040.C.1.a.ii and GC Sec. 65915. The project proposes to use one 11’ height increase, which is an “on-menu” incentive.

3. *Requested waivers*

Development Standard	Proposed Development Standard for Waiver	Rationale for how waiver is required to avoid physically precluding construction
<i>30' Height Limit</i>	Additional 2/3 of a floor	The project proposes a fourth floor of housing as an incentive. A waiver of the 2/3 rd of a fifth floor is required to construct the density bonus units. The units cannot be constructed within the first three floors because they are already at the maximum potential floor area/density.
<i>Side Yard</i>	0 to 10' setback	The increased setback is required to construct the density bonus units as proposed in the attached plans.
<i>Parking Regulations</i>	Parking standards per SB35	The parking waiver is required to construct the density bonus units as proposed in the attached plans.
<i>Rooftop Mechanical</i>	4.4% of rooftop area to be occupied by mechanical equipment	A waiver is required to construct the density bonus units as proposed in the attached plans.

4. *Requested parking reduction*

Per SB 35, the project is not subject to local parking requirements that exceed one space per unit.

5. *Childcare facility.*

N/A

6. *Condominium Conversion*

N/A

7. *Other*

N/A

8. *Fee*

The fees for the project will be provided as determined by the City of Los Altos' adopted legal requirements.

Government Code Section 65915, Affordable Housing Compliance and Density Bonus Entitlement

Government Code Section 65915 requires the City grant density bonuses to qualifying affordable housing projects as they are otherwise defined in the statute. GC Sec. 65915(n) allows that a city may grant a greater density bonus than allowed by state law but only if the local agency has a specific ordinance allowing the additional bonus. GC Sec. 65915(n) states:

If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section. (GC Sec. 65915(n))

The City of Los Altos has a local implementing density bonus ordinance that does include language allowing for a greater density bonus than is otherwise required by State law. The LADBO allowance for additional density bonus is found in Los Altos Municipal Code (LAMC) section 14.28.040.E.7:

Optional density bonuses. Nothing in this section shall be construed to prohibit the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section. (LAMC Sec. 14.28.040.E.7)

Density Standard and Bonus

The project is a rental housing project that will provide 25% of its base project units at 80% AMI and is therefore entitled to a 35% density bonus and two concessions/incentives. In the case of the proposed project, at least 20% of base project units must be provided at not greater than low incomes (up to 80% AMI) to allow for a full 35% density bonus, even though the SB 35 application would only require 10% of all units to be affordable at less than 80% AMI. It also provides that the project is allowed up to two concessions/incentives.

Waivers and Modifications

The City must waive any development standards that would have the effect of “physically precluding” the density bonus project, including the concessions discussed below. The height limit standard, if applied, would physically preclude the project and thus must be waived. Further, if there are other development standards that would physically preclude the project with the density bonus units and incentives/concessions, those must also be waived.

Concessions and Incentives

In addition to granting the density bonus, the City must also grant the project up to two incentives or concessions pursuant to GC Sec. 65915(d)(1) because 20% of the “base density” units will be affordable to low-income households. The City is required to grant the concessions/incentives insofar as the request results in identifiable and actual cost reductions to provide for affordable housing costs and do not result in any adverse public health or safety impacts. Although the Project qualifies for two incentives or concessions, the project only requires one as described below.

Los Altos’ specific allowance for density increases beyond 35% are found in LAMC Sec. 14.28.040.C.1.a.ii, as follows:

- ii. Incentives. A project that includes at least ten (10) percent low income units shall be granted one incentive. A project that includes at least twenty (20) percent low income units shall be granted two incentives. A project that includes at least thirty (30) percent low income units shall be granted three incentives.

The menu of incentives found in LAMC Sec. 14.28.040.F states:

- F. Incentive standards. A development eligible for incentives as provided in subsection (C) (Development Eligibility, Bonus Densities, and Incentive Counts) may receive incentives or concessions as provided in subsections (F)(1) (On-Menu Incentives) or (F)(2) (Off-Menu Incentives).

...

- d. Height. Up to an eleven (11) foot increase in the allowable height.

Given that the project is entitled to two concessions under LAMC Sec. 14.28.040.C.1.a.ii and GC Sec. 65915, it follows that it may avail itself to two 11’ height increases. However, the proposed project is only requesting one concession/incentive to allow for an 11-foot increase in building height for the fourth story, in addition to the waiver request for the partial fifth story.

The City would “bear the burden of proof for the denial of a requested concession or incentive,” Gov. Code § 65915(d)(4). Effective in 2017, the Legislature amended the Density Bonus Law specifically to eliminate the authority of cities to reject a requested concession or incentive on the grounds that “[t]he concession or incentive is not required in order to provide for affordable housing costs,” Stats.2016, ch. 758 (A.B.2501), § 1. The currently operative text of the law only authorizes the City to reject the requested concession if the City demonstrates that “[t]he concession or incentive does not result in identifiable and actual cost reductions.” whereas the prior language required that concessions are also “financially sufficient.” *Id.* Here, the concession yields direct savings to the proposed project and the development standard does not impact public health and safety, nor is it required by State or federal

law. The proposed project costs are increased as a podium development that contains two levels of underground parking. The proposed concession offsets the costs of the two proposed below market rate units. The balance of the density bonus and other market rate units must bear the substantial financial burden of paying the costs of the podium construction and underground parking.