



Community Development Department
One North San Antonio Road
Los Altos, California 94022

December 7, 2018

40 Main Street Offices, LLC;
c/o Ted Sorensen
40 Main Street
Los Altos, CA 94022,

&

William J. Maston, Architect and Associates
384 Castro Street
Mountain View, CA 94041

**Subject: 40 MAIN STREET, APPLICATIONS 18-D-07 AND 18-UP-10; SB 35
DETERMINATION**

Dear Mr. Sorensen and Mr. Maston:

This letter provides our decision on the application you have submitted, dated November 8, 2018, for a mixed-use project at 40 Main Street, Los Altos, CA, submitted for consideration under the provisions of SB 35, the California State legislation that provides for streamlined permit processing of projects meeting certain requirements.

Our review of the project indicates that it is not subject to the provisions of SB 35 for the following reasons:

- The project does not provide the percentage of affordable dwelling units required by the State regulations. The SB 35 Statewide Determination Summary list (http://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary01312018.pdf) concludes that the City of Los Altos requires 50% of more affordable to take advantage of SB 35. See Government Code Section 65913.4(a)(4)(A) and (B)(ii).
- Per Government Code Section 65913.4(a)(5), the development, excluding any density bonus units, concessions, incentives, or waivers is inconsistent with the City's objective zoning standards. Namely, the plans purporting to demonstrate a consistent project do not provide the required number of off-street residential and visitor parking spaces nor adequate access/egress to the proposed off-street parking.

In addition, this application results in two applications that have been submitted for this site. One or the other of the projects must be withdrawn. The City of Los Altos does not have provisions that provide for the concurrent processing of multiple development proposals on the same site.

40 Main Street
December 7, 2018
Page 2

If you elect to pursue other approval/permit avenues for the project that is the subject of this notice, the applications, fees, deposits, studies, and information contained in the attached Notice of Incomplete Application are required to continue an evaluation of the project. A review of any submittals may reveal that other applications, fees, deposits, studies, and information are required to continue an evaluation of the project to determine completeness and processing through the environmental review and public hearing processes.

Sincerely,



Jon Biggs, City of Los Altos
Community Development Director

Attachments:

Notice of Incomplete Application



Community Development Department
One North San Antonio Road
Los Altos, California 94022

NOTICE OF INCOMPLETE APPLICATION

December 7, 2018

40 Main Street Offices, LLC;
c/o Ted Sorensen
40 Main Street
Los Altos, CA 94022

&

William J. Maston, Architect and Associates
384 Castro Street
Mountain View, CA 94041

Subject: 40 MAIN STREET, APPLICATIONS 18-D-07 AND 18-UP-10

Dear Mr. Sorensen and Mr. Maston:

This letter is in response to the Design Review and Use Permit applications submitted on November 8, 2018 for a new mixed-use building at 40 Main Street. The application is **incomplete** for processing. This letter is a list of the items that will need to be addressed or provided for the application to be deemed complete.

Per Zoning Code Section 14.78.050, all necessary plan revisions, documentation and information to address the comments in this letter must be submitted within **180 days** of the date of this letter in order to avoid this application from being deemed expired. This application will be deemed expired on June 6, 2019. If additional time is necessary to fully address the City's comments, you may submit a written request for an extension of up to an additional 180 days. The request should include justification for the extension and outline the circumstances that have caused a delay in the submittal of the required information.

Once the application has been deemed complete, we can discuss the schedule for the required public meetings before the Complete Streets Commission, Planning Commission and the City Council, and the environmental review process as required by the California Environmental Quality Act.

LIST OF COMPLETENESS ITEMS

Planning Division

1. Provide a preliminary lighting plan that provides details and locations of all exterior lighting fixtures.

2. Provide a sign design plan that includes signage details – dimensions, letter size, colors, material, illumination, sign/letter cross sections – for the existing pole sign and all building mounted signage. The sign materials should be high quality and match the style of the project architecture.
3. Update the design of the parking levels to include the following information:
 - a. Provide vehicle circulation details such as directional arrows, striping and stop signs;
 - b. Show that all parking spaces will be double-striped;
 - c. Show the location of all proposed EV charging stations. For the remaining EV reserved spaces, consider alternative locations in the parking lot;
 - d. Provide a complete engineering plan of the vehicle circulation system that will provide access to and egress from the underground parking levels of the structure, to include projections for vehicle queuing in public parking plaza 10 and circulation patterns of vehicles traveling through public parking plaza 10.
4. Provide a landscape plan to include the following information:
 - a. Show existing and proposed landscaping, trees and improvements within the public right-of-way and details for the landscape plane;
 - b. Provide a tree inventory (size and species) of all existing trees on the site and along the property frontage in the public street right-of-way and a report from a certified arborist or forester that details the conditions of the trees.
5. Provide an acoustical analysis that evaluates the proposed rooftop mechanical equipment and noise generated by delivery trucks to ensure that the project is in compliance with the City's General Plan and the Noise Control Regulations.
6. Variance application for an exception to the maximum permitted height and reduction in the required number of off-street parking spaces with the variance application fee of \$5,350.
7. Provide a preliminary deposit in the amount of \$75,000 to cover the initial cost of environmental evaluation that must be conducted on the project and independent studies and analysis necessary to complete the environmental review.
8. Provide a deposit of \$15,000 to cover the cost of the peer review of the density bonus report that is required in order to demonstrate how any concessions and incentives requested result in identifiable and actual cost reductions to provide affordable housing.
9. Provide a deposit of \$6,000 to cover the cost of an independent design evaluation of the structure and its conformance with the Los Altos Downtown Design Guidelines.
10. Provide a shadow study depicting how shadows that will be cast by the project throughout the course of the day, for both the winter and summer seasons.
11. Provide complete engineering and/or manufacturers details for the mechanical vehicle lift system that is being proposed
12. Provide a Sketch-Up model of the project so it can be inserted into the Downtown model and evaluated.
13. Provide an address list, in label format, for all commercial tenants within 500 feet of the project.

14. Provide two sets of blank, postage paid postcards. Each set should have enough postcards to cover all property owners and business tenants within 500 feet of the project (80 property owners plus additional commercial tenants).
15. Provide circled items from the Submittal requirements for Commercial or Multi-Family Design Review list (attached).
16. Provide circled items from the Submittal requirements for Conditional Use Permits list (attached).
17. Provide circled items from the Density Bonus Report Submittal Requirements list (attached).

Building Division

See comments listed on the November 15, 2018 Memorandum from the Building Division

Engineering Division

These are preliminary comments supplemental to those additional comments that the Engineering Division may develop as it continues its review of any revised plans submitted for the project. A complete set of conditions of approval will be added to the application prior to consideration of the project by the Planning Commission.

18. The driveway entrance along parking plaza will affect up to 2 parking spaces which is not acceptable.
19. Parking circulation is inadequate. How/where will the vehicles queue while waiting for the mechanical lift system to go into the underground parking area?
20. C3 bioretention areas shall be located in building common areas to allow for bi-annual inspections by City and SCC Vector Control staff.
21. Provide a truck route plan that shows the street routes that delivery trucks will use and include turning templates for the trucks entering and exiting the site. Also, note the size of the trucks and the hours of operation. This information should be included as a plan sheet.
22. The applicant shall contact Mission Trails Company and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall submit evidence that Mission Trails Company has reviewed and approved the size and location of the enclosure for recyclables.
23. The project will be required to submit a Stormwater Management Plan (SWMP) report showing:
 - a. That 100 percent of the site is being treated to include the new paving and new sidewalk;
 - b. The project is in compliance with the San Francisco Bay Municipal Regional Stormwater NPDES Permit Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009;
 - c. That all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID) and in compliance with the December 1, 2011 requirements; and
 - d. The SWMP shall be reviewed and approved by a City approved third party consultant. The recommendations from the SWMP shall be shown on the building plans.

Page 4

24. See comments listed on the November 15, 2018 Memorandum from the Fire Department.

To continue the development review process, submit five (5) full sized sets of plans, five (5) half sized sets of plans and two (2) copies of all technical reports and support information required by this notice of incomplete application.

Sincerely,



Jon Biggs, City of Los Altos
Community Development Director

Attachments:

Building Division Memo, Dated November 15, 2018

Santa Clara County Fire Department Memo/Letter, Dated November 15, 2018

Submittal requirements for Commercial or Multi-Family Design Review

Submittal requirements for Conditional Use Permits

Density Bonus Report Submittal Requirements



MEMORANDUM

DATE: 11/15/18

TO: City Manager
 Building Division
 Fire Department
 Engineering Division
 Other _____

FROM: PLANNING DIVISION

RE: 40 Main Street
18-D-07 & 18-UP-10 – 40 Main Street Offices, LLC/
William J. Maston Architect & Associates

Attached is a copy of an application and/or drawings.

Please return any comments by: Thurs. 11/29/18

Van Accessible Vertical Clearances?

Kirk Ballard 12/6/18



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: 11/3/18

Property Owner/Applicant or Authorized Agent Signature: Thomas G. Sun

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

For City Staff Use Only:

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

Department Review Required:

Fire Department YES / NO

Building Division YES / NO

Public Works Engineering YES / NO

City Manager YES / NO

Date Notified: 11/15/18

Date Notified: 11/15/18

Date Notified: 11/15/18

Date Notified: 11/15/18

Date Notified: _____

Date Notified: _____

Is the submittal package complete? YES / NO TBD

If NO, what items still need to be submitted?

RECEIVED

18-4273

NOV 16 2018

SAN JOAQUIN COUNTY
FIRE DEPARTMENT



DRC

MEMORANDUM

DATE: 11/15/18

TO: _____ City Manager
_____ Building Division
X _____ Fire Department
_____ Engineering Division
_____ Other _____

FROM: PLANNING DIVISION

RE: 40 Main Street
18-D-07 & 18-UP-10 – 40 Main Street Offices, LLC/
William J. Maston Architect & Associates

Attached is a copy of an application and/or drawings.

Please return any comments by: Thurs. 11/29/18



FIRE DEPARTMENT SANTA CLARA COUNTY



14700 Winchester Blvd., Los Gatos, CA 95032-1818
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org

PLAN REVIEW No. **18 4273**
BLDG PERMIT No. _____

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC), Building (CBC) and Residential (CRC) Code, 2016 edition, as adopted by the City of Los Altos Municipal Code (LOSMC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Review of preliminary application for a proposed four-story residential (15 units) over ground floor office (29,566 square foot building) with two levels of underground parking (square footage not provided).

NOTE: Please be advised that the review comments are based on limited information provided on the plans and as the submittal also included a 3-story, a full detailed plan review could not be conducted. Please provide only one building proposal in future plan submittals so that we can provide more clear and accurate comments.

Plan Status:

Plans are **NOT APPROVED**. To prevent plan review and inspection delays, the below noted Developmental Review Conditions shall be addressed on all pending and future plan submittals and any referenced diagrams to be reproduced onto the future plan submittal.

Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

City	PLANS	SPECS	NEW	RM DL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B/R	pending	William Matson Architect &	11/29/2018	1 OF 4
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
5+2pkg	29,566 +		Commercial Development				Design Review			
NAME OF PROJECT						LOCATION				
40 MAIN OFFICES AND RESIDENCES						40 Main St Los Altos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI		BY	
									Baker, Kathy	

Organized as the Santa Clara County Central Fire Protection District

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga



**FIRE DEPARTMENT
SANTA CLARA COUNTY**



14700 Winchester Blvd., Los Gatos, CA 95032-1818
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org

PLAN REVIEW No. **18 4273**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

2. Fire Sprinklers Required: Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2 as adopted and amended by LOSMC. **Provide a note in Project Data on Sheet A0.01 indicating that a fire sprinkler system will be provided and installed per NFPA 13 and 13R, 2016 edition standards.**

3. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

4. Two-way communication system: Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), the California Building Code (2016 edition), and the city ordinances where two way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.

5. Fire Alarm Requirements: The building shall be provided with a fire alarm system in accordance with CFC Section 907.

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE	
LOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B/R	pending	William Matson Architect &	11/29/2018	2 OF 4	
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM				
5+2pkg	29,566 +		Commercial Development				Design Review				
NAME OF PROJECT						LOCATION					
40 MAIN OFFICES AND RESIDENCES						40 Main St Los Altos					
TABULAR FIRE FLOW				REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI		BY			
				[]				Baker, Kathy			

Organized as the Santa Clara County Central Fire Protection District

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga



**FIRE DEPARTMENT
SANTA CLARA COUNTY**



14700 Winchester Blvd., Los Gatos, CA 95032-1818
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org

PLAN REVIEW No. **18 4273**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

6. Public Fire Hydrant(s) Required: Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. **Identify on the plans the location of all existing and new fire hydrants as required to comply with above mentioned code section.**

7. Aerial Fire Apparatus Access Roads: 1. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. 3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. CFC Sec. 503. **Aerial Apparatus Access will be required along the west side of the building, opposite Main Street. Identify this access road as well as all above required measurements on site access sheet.**

8. Timing of installation: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4

9. Ground ladder access: Ground-ladder rescue from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of seventy five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2. **Identify the location of ground ladder access on the plans.**

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B/R	pending	William Matson Architect &	11/29/2018	3 OF 4
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
5+2pkg	29,566 +		Commercial Development				Design Review			
NAME OF PROJECT						LOCATION				
40 MAIN OFFICES AND RESIDENCES						40 Main St Los Altos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI		BY	
									Baker, Kathy	



FIRE DEPARTMENT
SANTA CLARA COUNTY



14700 Winchester Blvd., Los Gatos, CA 95032-1818
(408) 378-4010 • (408) 378-9342 (fax) • www.sccfd.org

PLAN REVIEW No. 18 4273

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

10. Standpipes Required: Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905

11. Emergency Responder Radio Coverage: Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements

12. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33

13. Address identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the Fire Code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

Table with project details including City (LOS), Plans (checked), Specs (unchecked), New (checked), RMDL (unchecked), AS (checked), Occupancy (B/R), Const. Type (pending), Applicant Name (William Matson Architect &), Date (11/29/2018), Page (4 of 4), Sec/Floor (5+2pkg), Area (29,566 +), Load, Project Description (Commercial Development), Project Type (Design Review), Name of Project (40 MAIN OFFICES AND RESIDENCES), Location (40 Main St Los Altos), Tabular Fire Flow, Reduction for Fire Sprinklers, Required Fire Flow @ 20 PSI, and By (Baker, Kathy).

Organized as the Santa Clara County Central Fire Protection District

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga



40 MAIN - MIXED USE
- NOV. 8, 2018

City of Los Altos

Planning Division

(650) 947-2750

Planning@losaltosca.gov

Project No. 2018-1108545

SUBMITTAL REQUIREMENTS COMMERCIAL OR MULTI-FAMILY DESIGN REVIEW

APPLICATION FORM, FEE & REQUIRED MATERIALS

All items are required at time of submittal. The project will not be scheduled for a public meeting until the application has been reviewed by a planner and is deemed complete.

1. General Application Form

2. Filing Fee(s)

Application	\$ _____
Environmental Review	\$ _____
Public Notification (\$1.00/notice) *	\$ _____
Other: _____	\$ _____
TOTAL	\$ _____

Make checks payable to the City of Los Altos. Fees are not refundable.

** Notices mailed to all properties and business tenants within 500 feet of project site for the Planning Commission and City Council public meetings.*

3. Materials Board

- Initial submittal: Provide color photos on an 8.5" x 11" sheet showing roofing material, siding, applied materials (e.g. stone, brick), trim, etc., and identify manufacturer and product specifications.
- Once application is deemed complete: Provide product samples of proposed materials and colors on an 11" x 17" board and, if necessary, applied material mockups to illustrate the appearance of materials together.

4. Technical Studies

Depending on the nature of the project, technical studies, such as a traffic impact assessment, arborist report or acoustical analysis, may be required.

5. Climate Action Plan Checklist for New Development

6. Color Renderings and 3D Model

- Provide a sufficient number of perspective color renderings of the proposed structure, photo simulated within the existing context of the built and natural surroundings, to represent how all elevations of the building will appear at a pedestrian scale/level.
- Provide a digital model (using SketchUp or a similar program) of the proposed development and adjacent buildings within the broader streetscape area that can be presented and manipulated to represent the three dimensional qualities of the proposed building within the existing context of the built and natural surroundings.

7. Architectural Design Plans *(see checklist below)*

- Initial submittal: Five (5) full-size sets (24" x 36") and five (5) half-size sets (11" x 17").
- Once application deemed complete: Additional half-size sets of plans will be required before each public meeting and a digital copy in .pdf format on a CD, a USB data key or emailed to the project planner.

ARCHITECTURAL DESIGN PLANS

1. Cover Sheet

- Vicinity Map (clear and legible)
- Table of Contents
- General Project Information (project description, general plan, zoning, property owner, design professionals, etc.)
- A summary of land development calculations including, but not limited to, site area, lot coverage, setbacks, impervious surfaces, building floor area, parking stalls (required and proposed), and, when appropriate, number of beds, students and/or dining seats
- Rendering or graphic of proposed project

2. Site Plan ($\frac{1}{8}'' = 1'$ scale)

- Subject property showing all property lines and adjacent streets
- Location of all structures on subject property
- Location and dimensions of parking, driveway, and loading areas
- Location, size, type and proposed disposition of all existing trees over four-inches in diameter
- Landscape areas, walkways, fences, retaining walls, utility areas, and trash facilities

3. Floor Plans ($\frac{1}{4}'' = 1'$ scale) / $\frac{3}{16}'' = 1'-0'' - OK$ ✓

- Show existing and proposed development
- Identify details such as balconies, roof gardens, cabanas, etc.
NOTE: Floor plans for single-story buildings may be shown on the site plan.

4. Floor Area Calculation Diagram ($\frac{1}{8}'' = 1'$ scale)

- Gross floor area - measured to outside edge of wall and including all space enclosed by walls (habitable space, non-habitable space, accessory structures, basements)
- Net floor area - excluding all inner courts and/or shaft enclosures (stairwells, elevator shafts, etc)
- Existing floor area of structures to be removed

5. Building Elevations ($\frac{1}{4}'' = 1'$ scale)

- Building materials and design details
- Roof pitch
- Roof-mounted equipment
- New signage being proposed
- Height
- Color(s) - SAMPLES
- Fencing NA

6. Building Cross-Sections ($\frac{1}{4}'' = 1'$ scale)

Provide at least two (2) cross-sections (one perpendicular from the other) taken from the highest ridge, showing existing and proposed grades, finished floor heights, wall plates, and building height measured to existing grade.

7. **Roof Plan** ($\frac{1}{4}'' = 1'$ scale)

- Roof pitch
- Existing roof to remain and new roof area
- All rooftop mechanical equipment and screening location(s)

8. **Landscape Plan** ($\frac{1}{4}'' = 1'$ scale)

- A conceptual planting plan that identifies all existing and proposed trees and plants
- Hardscape, walkways, fences and retaining walls
- Utility areas and trash facilities
- A calculation identifying total area of proposed hardscape and softscape
- Provide color photos of all proposed trees and evergreen screening species, along with the following information:
 - Common name
 - Anticipated height and spread at maturity
 - Average rate of growth

9. **Grading and Drainage Plan** ($\frac{1}{8}'' = 1'$ scale)

NOTE: The Grading and Drainage Plan shall be prepared by a registered civil engineer or a licensed architect.

- Location and elevation of benchmarks
- Elevation at street and neighboring property lines
- Pad elevation
- Finished floor elevation
- Tree location(s)
- Lot drainage pattern
- Existing and proposed contours
- Stormwater management measures to retain stormwater on site in accord with the Best Management Practices
- All existing and proposed utilities (lines, transformers, meters, etc.) and adjacent infrastructure

✓10. **Construction Management Plan**

Prepare a preliminary construction management plan that identifies anticipated truck routing and staging, construction worker parking plan (on-site and off-site) and pedestrian routing (sidewalk closures, detours, etc.). *See Construction Management Plan handout for more specific direction.*

✓11. **Streetscape Elevation**

Render proposed structure(s) in relation to buildings/development on adjoining properties. In the case of a corner lot, a streetscape of each street is required.

PUBLIC NOTIFICATION

1. **Mailed Notices** – All properties within 500 feet of the project site will receive a mailed notice of all public meetings 10-14 days before the meeting date. The Planning Division will provide an area map showing all properties within a 500-foot radius of the project site.
NOTE: For projects in or near commercial areas, notification will also be provided to all commercial tenants within the 500-foot radius area. The applicant is responsible for providing a name and address list of all commercial tenants within the notification area in a label format approved by staff.
2. **On-Site Posting Requirement** – In addition to the mailed notices, a public notice billboard (four feet by six feet) with color renderings of the project will need to be installed at the project site at least 10 days prior to the first public meeting date. *See Public Notice Billboard handout for more specific direction.*
3. **Story Poles** – All new development projects are required to install story poles on the site at least 20 days prior to the first Planning Commission meeting. *See Story Pole handout for more specific direction.*

CITY ACTION

The project will be reviewed at public meetings before the Complete Streets Commission (CSC), the Planning Commission (PC) and the City Council (CC). CSC will hold a public meeting to provide a recommendation regarding the project's transportation amenities (vehicle, bicycle and pedestrian). The PC will hold a public meeting to review and provide a recommendation on all components of the project, and the CC will review and take a final action on the project.

In order to approve the project, the PC and CC must make specific findings on each of the following issues:

1. The proposal meets the goals, policies and objectives of the Los Altos General Plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.
2. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.
3. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth, and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies.
4. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.
5. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

6. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.
7. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.
8. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

40 MAIN - MIXED USE
NOV. 8, 2018



City of Los Altos
Planning Division

Project No. 2018-1102545

(650) 947-2750
Planning@losaltosca.gov

SUBMITTAL REQUIREMENTS CONDITIONAL USE PERMIT

APPLICATION FORM, FEE & OTHER REQUIRED MATERIALS

All items are required at time of submittal. The project will not be scheduled for a public meeting until the application has been reviewed by a planner and is deemed complete.

1. **General Application**

2. **Proposed Use Description**

Provide a detailed project description of the proposed use that includes all relevant and applicable information related to the proposed use (description of business, number of employees, hours of operation, how building/site will be used, etc.).

3. **Filing Fee(s)**

- Application
- Environmental Review
- Public Notification (\$1.00/notice) *
- Other: _____
- TOTAL

\$ VARIANCE - \$530 -
 \$ DEPOSIT REQ. - SEE LETTER
 \$ _____
 \$ _____
 \$ _____

Make checks payable to the City of Los Altos. Fees are not refundable.

* Notices mailed to all properties and business tenants within 500 feet of project site for the Planning and Transportation Commission and City Council public meetings.

4. **Project Plans** (see checklist below)

- a. Initial submittal: Five (5) full-size sets (24" x 36") and five (5) half-size sets (11" x 17").
- b. Once application is deemed complete: 14 additional half-size sets of plans and a digital copy in .pdf format on a CD, a USB data key or emailed to the project planner.

PROJECT PLANS

1. **Cover Sheet**

- Vicinity Map (clear and legible)
- Table of Contents (**DRAWING INDEX**)
- General Project Information (project description, general plan, zoning, property owner, design professionals, etc.)
- A summary of land development calculations including, but not limited to, site area, lot coverage, setbacks, impervious surfaces, building floor area, parking stalls (required and proposed), and, when appropriate, number of beds, students and/or dining seats

2. **Site Plan** ($\frac{1}{8}'' = 1'$ scale) ✓

- Subject property showing all property lines and adjacent streets
- Location of all structures on subject property
- Location and dimensions of parking, driveway, and loading areas (indicate surfacing material)
- Location, size, type and proposed disposition of all existing trees over four-inches in diameter
- Landscape areas, walkways, fences, retaining walls, utility areas, and trash facilities. Any special landscape features such as children's play areas must be specified;
- A summary of land development calculations including site area, lot coverage allowed and proposed, total proposed impervious surface, building area, parking stalls required and proposed, and when appropriate number of beds, students of dining seats

3. **Floor Plans** ($\frac{1}{4}'' = 1'$ scale) / $\frac{3}{16}'' = 1'-0'' - OK$

- Show existing and proposed development
- Identify details such as balconies, roof gardens, cabanas, etc.
NOTE: Floor plans for single-story buildings may be shown on the site plan.

4. **Building Elevations** ($\frac{1}{4}'' = 1'$ scale)

- Building materials and design details
- Roof pitch
- Roof-mounted equipment
- New signage being proposed
- Height
- Color(s)
- Fencing **NA**

5. **Roof Plan** ($\frac{1}{4}'' = 1'$ scale)

- Roof pitch
- ~~Existing roof to remain and~~ new roof area
- All rooftop mechanical equipment and screening location(s)

6. **Landscape Plan**

- Existing landscaping and trees to remain
- Proposed front yard (and exterior side yard) landscaping, street trees and hardscape improvements
- Any landscaping required for privacy and/or visual screening
- A calculation showing:
 - Total hardscape area
 - Existing softscape area
 - New softscape area.Hardscape area includes house footprint, driveway, swimming pool and other impervious areas

PUBLIC HEARING NOTIFICATION

1. **Mailed Notices** – All properties within 500 feet of the project site will receive a mailed notice of all public meetings 10-14 days before the meeting date. The Planning Division will provide an area map showing all properties within a 500-foot radius of the project site.
NOTE: For projects in or near commercial areas, notification will also be provided to all commercial tenants within the 500-foot radius area. The applicant is responsible for providing a name and address list of all commercial businesses within the notification area in a label format approved by staff.
2. **On-Site Posting Requirement** – In addition to the mailed notices, a meeting notice will need to be posted at the project site at least 10 days prior to the public hearing date. City staff will provide the notice along with instructions for properly posting it on the project site.

CITY ACTION

The Planning Commission and/or City Council, when required, must make specific findings on each of the following issues when considering a conditional use permit application:

1. Whether the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity or welfare.
2. Whether the proposed location of the conditional use is in accordance with the following objectives of the Zoning Ordinance:
 - a. To guide community growth along sound lines;
 - b. To ensure a harmonious, convenient relationship among land uses;
 - c. To promote a safe, workable traffic circulation system;
 - d. To provide appropriate locations for needed community facilities;
 - e. To promote business activities of appropriate types;
 - f. To protect and enhance real property values within the City; and
 - g. To conserve the City's natural beauty, to improve its appearance and to preserve and enhance its distinctive physical character.
3. Whether the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 1 of the Los Altos Municipal Code.
4. Depending on the proposed use, as outlined in Section 14.80.060 of the Zoning Ordinance, additional findings may need to be made.

SUBMITTING MORE THAN ONE APPLICATION

These instructions will be modified in the event that the application is submitted simultaneously with another application (e.g. design review, subdivision, variance). If the project includes multiple applications, work with Planning staff to better understand the City's submittal requirements to avoid redundancy.



City of Los Altos
Planning Division

(650) 947-2750

Planning@losaltosca.gov

Project No. 2018-1108545

DENSITY BONUS REPORT SUBMITTAL REQUIREMENTS

A housing development including five or more residential units may propose a density bonus in accordance with California Government Code Section 65915 et seq. ("Density Bonus Law") and the City's Affordable Housing Ordinance (Zoning Code Chapter 14.28).

Any applicant requesting a density bonus and/or any incentive(s), waiver(s), or parking reductions provided by State Density Bonus Law shall submit a Density Bonus Report as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development. The requests contained in the Density Bonus Report shall be processed concurrently with the planning application.

The Density Bonus Report shall include the following minimum information:

1. **Requested Density Bonus:**

- 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.
- 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.
- Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed number of affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
- A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
- The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
- 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.
- Number of bedrooms in the proposed market-rate units and the proposed affordable units.
- A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents

NA

occupying dwelling units when the site contained the maximum number of dwelling units, if known.

~~NA~~ Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.

~~NA~~ If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and evidence that each of the requirements included in Government Code Section 65915(g) can be met.

2. **Requested Incentive(s) and Concessions:** In the event an application proposes incentives or concessions pursuant to State Density Bonus Law, to ensure that each incentive contributes significantly to the economic feasibility of the proposed affordable housing, the Density Bonus Report shall include the following minimum information for each incentive or concession requested, shown on a site plan if appropriate:

The City's usual development standard and the requested development standard or regulatory incentive/concession. Applicant shall identify whether each of the requested incentive(s)/concession(s) is an on-menu or off-menu request.

Include reasonable documentation, in a form subject to approval 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. Applicant may also be required to provide funds to cover city expenses incurred for a peer review of applicant's documentation.

~~NA~~ If approval of mixed use zoning is proposed as an incentive, provide evidence that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning is required in order to provide for affordable rents or affordable sales prices.

3. **Requested Waiver(s):** In the event an application proposes waivers of development standards pursuant to State Density Bonus Law, the Density Bonus Report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:

The City's usual development standard and the requested development standard.

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 allowed densities or with the concessions and/or incentives requested.

4. **Requested Parking Reduction:** In the event an application proposes a parking reduction pursuant to Government Code Section 65915(p), a table showing parking required by the zoning ordinance and parking proposed under Section 65915(p). If an additional parking reduction is proposed under the provisions of Section 65915(p)(2) or (p)(3), evidence that the project qualifies for the additional parking reduction.

~~NA~~ **Child Care Facility:** If a density bonus or incentive is requested for a child care facility, evidence that all of the requirements included in Government Code Section 65915(h) can be met.

~~NA~~ **Condominium Conversion:** If a density bonus or incentive is requested for a condominium conversion, evidence that all of the requirements included in Government Code Section 65915.5 can be met.

7. **Other:** Include any other documentation, materials or fees/funds required by this Section or by the City for the purpose evaluating and/or reviewing a density bonus, incentives, parking requirements alterations, and/or waivers or any other provision.

8. **Fee:** Payment of any fee in an amount set by resolution of the City Council for staff or consultant time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

—————> TO BE DETERMINED .



Community Development Department

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

February 6, 2019

Daniel R. Golub, Esq.
Holland & Knight
50 California Street, Suite 2500
San Francisco, CA 94111

Daniel.Golub@hklaw.com

Subject: 40 MAIN STREET, APPLICATIONS 18-D-07 AND 18-UP-10

Dear Mr. Golub:

This letter responds to your letter, dated January 10, 2019 and received by the City on January 17, 2019 (the "January Letter") regarding the above-referenced project (the "Project") and application (the "Application") for a streamlined ministerial permit pursuant to Government Code 65913.4, *et seq.*, "(SB 35") and a density bonus request to increase the maximum number of dwelling units on the Project site and concessions/waivers to the City's zoning requirements (site development standards found in Title 14, Zoning of the Los Altos Municipal Code.) at 40 Main Street, Los Altos, California.

As you know, Mr. Ted Sorenson and Mr. William Maston (the "Applicant") submitted the Application on November 7, 2018. On December 7, 2018, the City timely provided a thorough and detailed letter (the "Determination Letter") describing where the application was incomplete and the information needed to enable the City to process the application. As part of the Determination Letter, the City determined that the Project did not qualify for streamlined permitting project under SB 35.

In summary, the City believes its Determination Letter appropriately, and in good faith fully, responded to the Application and determined that the Project did not qualify to be processed under SB 35. The Determination Letter provided, to the fullest extent feasible in light of the information contained in the Application, an explanation of, and detailed documentation to demonstrate, inconsistencies between the Application and applicable City standards for the Project. In accordance with and, as contemplated by, SB 35 and the State's Streamlined Ministerial Approval Process Guidelines (the "Guidelines"), dated November 29, 2018, the City reviewed the Application to determine whether or not it contained all materials required by the City. The City found that the Application **did not contain all materials required by the City and specified in detail the additional materials necessary for the City to evaluate the Application.** (See Guidelines Sec. 301(b), p. 11).

The City is fully aware of its responsibilities to timely and fully evaluate project applications under SB 35. However, SB 35 does not obviate the need for the City to evaluate project applications based upon full and accurate information. If it were to authorize and pursue streamlined approval of the Project without the necessary information, the City would risk violating a host of its other legal obligations, including those found in the Density Bonus law, the California Environmental Quality Act, and State planning and zoning laws and other laws and regulations.

As demonstrated by the Determination Letter, the Application did not contain sufficient information to enable the City to make a meaningful and lawful determination that the Project is eligible for streamlined review under SB 35. As a result, **based upon the information provided to date, the City finds and determines that the Project is not eligible for issuance of a streamlined ministerial permit. The City will consider any request the Applicant may choose to submit to enable a determination of the Project's SB 35 eligibility or otherwise process the Application if and when Applicant provides the additional necessary information.**

Below please find the City's response to specific points raised in your January Letter:

1. **IN ACCORDANCE WITH SB 35, THE DETERMINATION LETTER SPECIFIED OBJECTIVE STANDARDS IN EXISTING CITY CODE TO IDENTIFY LACK OF COMPLIANCE WITH SB 35 REQUIREMENTS**

Among the extensive criteria a project must meet to qualify for streamlined review under SB 35 are the requirements that the project meet specific affordability requirements and be "consistent with objective zoning standards and objective design review standards in effect at the time the [application] is submitted to the local government" for consideration (Gov. Code Section 65913.4(a)(5)). With respect to the affordability requirements, the State has continued to develop and evolve its standards in this area over the past year since SB 35 became effective. As a result, the City's initial review relied on outdated information that a fifty percent (50%) affordability requirement would apply. However, at this juncture, the City acknowledges that, at the time of the Application submittal, a ten percent (10%) affordability requirement was required to be met; therefore, the Application was subject to a ten percent (10%) standard. Notably, even though a ten (10%) standard applies to the Application, under current State standards all new applications in Los Altos are again required to meet a fifty percent (50%) affordability standard to qualify for SB 35 streamlining.

With respect to a project's consistency with objective standards, logic dictates, and the Guidelines suggest, that a city can only make a meaningful determination if a submittal contains reasonably sufficient information to enable the city to measure a project's consistency with such standards. Here, consistent with the Guidelines, upon receipt of the application, the City reviewed the Application to determine if the Application contained sufficient information for a reasonable person to determine whether the proposed development is consistent, compliant, or in conformity with objective standards." (See Guidelines 301(b)(1)(A)). Recognizing that the Application did not contain sufficient information, the Determination Letter attached a request for additional information listed in the "Notice of Incomplete Application," generated by the City's Engineering and Planning Divisions.

The Notice of Incomplete Application clearly listed the deficiencies of the Application in accordance with requirements of the Permit Streamlining Act and all other applicable legal requirements. The Determination Letter, together with the Notice of Incomplete Application, provided express, detailed and extensive notice of the Application's shortcomings and invited submittal of additional information to enable the City to review and process the Application. However, none was forthcoming. Instead of providing the requested information and working with the City to develop information necessary for the City to evaluate the Application and to determine the Project's eligibility for SB 35 streamlining, the Applicant chose to wait for over a month without any substantive interaction. Instead, the Applicant opted to submit the January Letter asserting legal arguments and demanding streamlined approval.

As described in the Determination Letter and the Notice of Incomplete Application, a host of information was and still is needed to complete the Application and enable a meaningful review of the Application to determine **whether** it complies with City's objective development standards. This includes, among other things, information addressing the following issues:

- a. The driveway entrance along the parking plaza will affect up to 2 parking spaces, which is not consistent with objective City standards (See Note 18)

- b. Parking circulation is not sufficiently presented to determine whether it is consistent with objective City standards, i.e. How/where will the vehicles queue while waiting for the mechanical lift system to go into the underground parking area? (See Note 19)

With respect to parking access and egress standards, your January Letter asserts that the Project complies with all of the City's objective standards with respect to off-street parking. However, without the information cited in the Determination Letter and the Notice of Incomplete Application, the City simply lacks the information necessary to determine consistency with these and other applicable City standards

2. THE APPLICATION FAILED TO PROVIDE REQUIRED INFORMATION FOR COMPLIANCE WITH CITY DENSITY BONUS ORDINANCE:

As noted above, the Application seeks more than a streamlined ministerial approval; it also seeks density bonus units and concessions/waivers to site development standards.

The City recognizes that the SB 35 evaluation of a Project's consistency with objective standards is exclusive of additional density or concessions, incentives or waivers of development standards granted under the State Density Bonus law, Gov. Code Sec. 65915, *et seq.*, and the City's density bonus ordinance, Los Altos Municipal Code section 14.28.040. However, SB 35 does not obviate the need for the City to evaluate and apply the requirements of State Density Bonus law and the City's density bonus ordinance. Under those provisions, the City must evaluate requests for concessions, incentives or waivers to determine if the standards specified in State law and City ordinances require denial of the request. These standards include critical considerations regarding public health and safety, which the City must have sufficient information to seriously evaluate. For example, both the State Density Bonus law and the City's density bonus ordinance require an evaluation of whether requested concessions or incentives will result in identifiable and actual cost reductions to provide for affordable housing. The City may deny the request if it makes findings that the concession or incentive does not provide this benefit or if it would have an unmitigable specific, adverse impact upon public health and safety or the physical environment, (see Gov. Code Sec. 65915). Absent the information necessary to make this crucial evaluation, the City cannot reasonably evaluate, let alone grant streamlined ministerial approval of, either the Applicant's request for density bonus incentives and concessions or approval of the Project.

Here, there is insufficient information provided to demonstrate or support the need for the requested concessions and waivers. The Determination Letter requested additional information necessary for this critical evaluation, and, to date, such information has not been provided. If the Applicant intends to proceed in good faith with the Application, the City again refers the Applicant to the Notice of Incomplete Application and urges the submittal of the additional information necessary to appropriately evaluate the Project and reach a determination on whether the project meets the criteria for density bonus waivers and concessions. As noted in the Notice of Incomplete Application, this includes, but is not limited to, the following:

- a. Provide circled items from the Submittal requirements for Commercial or Multi-Family Design Review list.
- b. Provide circled items from the Density Bonus Report Submittal Requirements list.

3. CONCURRENT APPLICATIONS

As staff noted in the Determination Letter, there are no legal paths to allow for the concurrent processing of two development applications for the same site. As a result, the City reiterates its request that one or the other application be withdrawn so that there is only one application in process.

4. HOUSING ACCOUNTABILITY ACT

The January Letter asserts that the Housing Accountability Act (Gov. Code Section 65589.5) (the "HAA") also "requires the City to approve the Project." Although the City fully supports the development of housing and, affordable housing in particular, the HAA does not apply. The HAA establishes requirements for local governments' consideration and approval of housing development based upon objective development standards in place at the time a project application is determined or deemed complete. As noted above, however, the Application is not yet complete. The City timely identified extensive and substantial information necessary for the Application to be deemed complete, but to date the Applicant has failed to provide sufficient additional information that was requested. As a result, the HAA does not apply and does not dictate anything with respect to Project approval at this time.

5. CONCLUSION

In conclusion, the City believes the Determination Letter appropriately responded to the Application submittal. The City provided detailed documentation to demonstrate conflicts between the applicant's submittal and applicable City zoning standards required for compliance with SB 35, and requested additional information concerning the City's adopted density bonus regulations.

The City is happy to continue its review of the project once the additional application information and studies are submitted. Further, the City is also happy to evaluate the Project's eligibility for streamlined review in accordance with SB 35 at that time.

Please feel free to contact me if you would like to set up a meeting with staff to discuss the submittal requirements. We look forward to working with you to move forward with a complete application for the Project.



**Jon Biggs, City of Los Altos
Community Development Director**

cc: City Attorney



Community Development Department

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

February 21, 2019

Daniel R. Golub, Esq.
Holland & Knight
50 California Street, Suite 2500
San Francisco, CA 94111

Daniel.Golub@hkllaw.com

Subject: 40 MAIN STREET, APPLICATIONS 18-D-07 AND 18-UP-10

Dear Mr. Golub:

I am in receipt of your letter dated February 19, 2019 regarding the proposed project at 40 Main Street. In the letter you inquire about an appeal pursuant to Los Altos Municipal Code Section 1.12.020. I believe the decision to not approve the subject project at 40 Main Street and request for additional information is subject to appeal and provide this notification of that.

If you, or any interested party, seeks to challenge the City's decision on this matter, an appeal must be filed by no later than fifteen calendar (15) days from the date of the February 6, 2019 letter, by the close of business 4:30 pm on THURSDAY FEBRUARY 21, 2019. An appeal shall be on an application form available at the Community Development Department at 1 North San Antonio Road to the attention Jon Biggs, Community Development Director. The appeal shall state specifically the grounds for the appeal and must include payment of \$595.00 in accordance with the City of Los Altos Master Fee Schedule.

Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court.

Sincerely,

Jon Biggs, City of Los Altos
Community Development Director



CITY OF LOS ALTOS
GENERAL APPLICATION

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

Permit # _____

<input type="checkbox"/> One-Story Design Review	<input 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 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 checked="" type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Other:

Project Address/Location: _____

Project Proposal/Use: _____ Current Use of Property: _____

Assessor Parcel Number(s): _____ Site Area: _____

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

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

Is the site fully accessible for City Staff inspection? _____

Applicant's Name: _____

Telephone No.: _____ Email Address: _____

Mailing Address: _____

City/State/Zip Code: _____

Property Owner's Name: _____

Telephone No.: _____ Email Address: _____

Mailing Address: _____

City/State/Zip Code: _____

Architect/Designer's Name: _____

Telephone No.: _____ Email Address: _____

Mailing Address: _____

City/State/Zip Code: _____

** 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.

I certify that the above information is true and correct.

Date: _____

Property Owner/Applicant or Authorized Agent Signature: _____

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

For City Staff Use Only:

Received by: _____ Date: _____

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

If NO, what items still need to be submitted?
