

RESOLUTION NO. 2019-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, ADOPTING AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE DESIGN REVIEW, AND SUBDIVISION APPLICATIONS FOR A NEW 20-UNIT MULTI-FAMILY PROJECT AT 425 FIRST STREET**

**WHEREAS**, the City of Los Altos received a development application from Jeff Warmoth (Applicant), for a new 20-unit multiple-family residential building at 425 First Street that includes Design Review 18-D-06 and Subdivision 18-SD-04, referred to herein as the “Project”; and

**WHEREAS**, said Project is located in the CD/R3 District, which allows multiple-family housing as a permitted use and does not specify a maximum allowable residential density; and

**WHEREAS**, the Applicant is offering two moderate income and one low income affordable housing units for sale as part of the Project; and

**WHEREAS**, the Applicant’s proposed unit mix would consist of 15 percent of its total units as affordable units, with 10 percent of the units affordable at the moderate income level, thereby entitling the project to qualify for one incentive, and additional concessions and waivers pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

**WHEREAS**, the Applicant is not seeking any incentives or waivers under Government Code Section 65915(e) and Los Altos Municipal Code Sections 14.28.040(F); and

**WHEREAS**, the Applicant is seeking a parking requirement alteration under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(G) to allow for a reduction in the minimum onsite parking requirement; and

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

**WHEREAS**, said Project has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, on August 16, 2018, the Planning Commission held a design review study session on the Project where it received public testimony and provided the Applicant with architectural and site design feedback; and

**WHEREAS**, on February 27, 2019, the Complete Streets Commission held a public meeting on the Project and at the conclusion of the meeting voted to recommend approval to the Planning Commission and City Council; and

**WHEREAS**, on March 27, 2019, the Applicant installed story poles on the site per the modified story pole plan that was approved by the City Council on March 26, 2019; and

**WHEREAS**, on May 1, 2019, the City gave public notice of the Planning Commission's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners and business tenants within a 500-foot radius; and

**WHEREAS**, on May 16, 2019 and June 6, 2019, the Planning Commission conducted duly-noticed public hearings at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission recommended that the City Council approve the Project; and

**WHEREAS**, on June 25, 2019, the City Council held a duly noticed public meeting as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the Project; and

**WHEREAS**, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

**WHEREAS**, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and the conditions of approval attached hereto as "Exhibit A" and "Exhibit B," and incorporated by this reference.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 25<sup>th</sup> day of June 2019 by the following vote:

AYES: BRUINS, ENANDER, FLIGOR, LEE ENG, PEPPER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

  
Lynette Lee Eng, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK

## EXHIBIT A

### FINDINGS

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with Section 15332 of the California Environmental Quality Act Guidelines, based on the whole record before it, including, without limitation, the analysis and conclusions set forth in the staff reports, testimony provided at the proposed Project's public hearings, and the supporting technical studies, which include: 1) a Traffic Analysis by Hexagon Transportation Consultants (March 2019); 2) a Geotechnical Investigation by Silicon Valley Soil Engineering; and 3) an Environmental Noise Assessment by Illingworth & Rodkin, Inc, the City Council finds and determines that the following Categorical Exemption findings can be made:
  - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation (Commercial Downtown/Multiple-Family);
  - b. The Project occurs within City limits on a site of no more than five acres that is substantially surrounded by urban uses and there is no record that the site has value as habitat for endangered, rare or threatened species;
  - c. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the completed technical studies and staff analysis contained in the agenda report support this conclusion; and
  - d. The Project has been reviewed and it is found that the site can be adequately served by all required utilities and public services.
  - e. None of the exceptions to the applicability of the categorical exemption, as specified in section 15300.2, are present.
2. DESIGN REVIEW FINDINGS. With regard to Design Review Application 18-D-06, the City Council finds, in accordance with Section 14.76.060 of the Los Altos Municipal Code, as follows:
  - a. The Project meets the goals, policies and objectives of the General Plan with its level of intensity and residential density within the First Street corridor in Downtown Los Altos, and all Zoning Code site standards and design criteria applicable for a project in the CD/R3 District;
  - b. The Project has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design because the project utilizes high quality materials that support its architectural style and is appropriately articulated and scaled to relate to the size and scale of the surrounding buildings on the First Street corridor;
  - c. Building mass is articulated to relate to the human scale, both horizontally and vertically as evidenced in the design of the raised planter boxes, projecting overhangs and balconies, the building elevations have variation and depth and avoid large blank wall surfaces, and the project has incorporated elements that signal habitation, such as identifiable entrances, overhangs, high quality wood trim finishes and balconies;

- d. The Project's exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building 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;
  - e. Landscaping, such as the large specimen eastern rosebud, Chinese Pistache and Swan hill olive street trees, hedges, shrubs and groundcover is generous and inviting, and landscape and hardscape features such as the custom paver walkways, stone veneer clad planters, wood benches and wood fences are designed to complement the building and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy including 12 new street trees in the public right-of-way and along the front, exterior side and rear of the;
  - f. Signage, which is limited to the building address number and other required directional signage, will be designed to complement the building architecture in terms of style, materials, colors and proportions;
  - g. Mechanical equipment is screened from public view by the sloped roof parapet and is designed to be consistent with the building architecture in form, material and detailing; and
  - h. Service, trash and utility areas are screened from public view by their locations in the building garage and behind fencing in the interior side yard, and consistent with the building architecture in materials and detailing.
3. SUBDIVISION FINDINGS. With regard to Subdivision 18-SD-04, the City Council finds, in accordance with Section 66474 of the Subdivision Map Act of the State of California, as follows:
- a. The tentative map and the Project's design and improvements are consistent with the General Plan;
  - b. The Project site is physically suitable for this type and density of development in that the project meets all applicable Zoning requirements;
  - c. The design of the condominium subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife; and no evidence of such has been presented;
  - d. The design of the condominium subdivision is not likely to cause any serious public health problems because conditions have been added to address noise, air quality and life safety concerns; and
  - e. The design of the condominium subdivision will not conflict with any public access easements as none have been found or identified on this site.
4. AFFORDABLE HOUSING AND DENSITY BONUS FINDINGS. With regard to the offered below market rate units and requested parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.040, as follows:

- a. The applicant is offering two moderate income units and one low income unit for sale, which qualifies the project for an incentive, additional waivers and a parking requirement alteration;
- b. The applicant is not requesting an incentive or any waivers;
- c. Per Section 14.28.040(G)(2)(a), the City shall allow a minimum parking requirement, inclusive of handicapped and guest parking, of one (1) onsite parking space for each studio and one-bedroom unit and two (2) onsite parking spaces for each two-bedroom unit if requested by the applicant;
- d. The project includes four (4) studio units, eight (8) one-bedroom units and eight (8) two-bedroom units and is providing 28 onsite parking spaces, where a minimum of 28 onsite parking spaces is required, thus it is meeting the minimum permitted by the Code.

## EXHIBIT B

### CONDITIONS

#### GENERAL

1. **Approved Plans**

The project approval is based upon the plans dated June 13, 2019 and the support materials and technical reports, except as modified by these conditions.

2. **Affordable Housing**

The applicant shall offer the City three (3) below market rate units as follows:

- a. One (1) two-bedroom unit at the moderate income level for sale;
- b. One (1) one-bedroom unit at the moderate income level for sale; and
- c. One (1) studio unit at the low income level for sale.

3. **Upper Story Lighting**

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

4. **Encroachment Permit**

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

5. **Public Utilities**

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

6. **Americans with Disabilities Act**

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

7. **Municipal Regional Stormwater Permit**

The project shall be in compliance with the City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015.

8. **Sewer Lateral**

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

9. **Transportation Permit**

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

10. **Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the

City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.

## **PRIOR TO SUBMITTAL OF BUILDING PERMIT**

### **11. Green Building Standards**

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

### **12. Property Address**

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

### **13. Water Efficient Landscape Plan**

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations.

### **14. Climate Action Plan Checklist**

The applicant shall implement and incorporate the best management practices (BMPs) into the plans as specified in the Climate Action Compliance Memo prepared by Illingsworth & Rodin, Inc., dated October 4, 2018.

### **15. Pollution Prevention**

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

### **16. Storm Water Management Plan**

The Applicant shall submit a Storm Water Management Plan (SWMP) in compliance with the MRP. The SWMP shall be reviewed and approved by a City approved third party consultant at the Applicant's expense. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans.

### **17. Noise Mitigation**

The applicant shall implement and incorporate the noise mitigation measures into the plans as required by the report by Illingsworth & Rodin, Inc., dated August 16, 2018.

### **18. Electric Vehicle Charging Station Infrastructure**

The building's electrical service shall be designed to support the required load necessary for installation of electric vehicle charging stations in all parking spaces in the underground parking garage.

## **PRIOR TO FINAL MAP RECORDATION**

### **19. Covenants, Conditions and Restrictions**

The applicant shall include the following provisions in the Covenants, Conditions and Restrictions (CC&Rs):

- a. Long-term maintenance and upkeep of the landscaping and street trees, on-site and in the public right-of-way along the site frontage, as approved by the City, shall be a duty and responsibility of the property owners.

- b. Both parking spaces in a tandem space shall be owned by the same unit and cannot be owned or used by separate units.
- c. Long-term maintenance and upkeep of the building's exterior materials and finishes shall be the responsibility of the Homeowner's Association.

**20. Public Access Easement Dedication**

The applicant shall dedicate public access easements for the purpose of providing vehicle and pedestrian access shall be dedicated as follows:

- a. An easement of two feet along the rear alley for use as a public right-of-way; and
- b. An easement of one-foot along the First Street frontage to allow for public pedestrian access.

**21. Public Utility Dedication**

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

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

**22. Final Map Recordation**

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

**23. Payment of Fees**

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

**24. Affordable Housing Agreement**

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Community Development Director and the City Attorney, that offers three (3) below market rate units, for a period of at least 55 years, as defined in Condition No. 2. The below market rate units shall be constructed concurrently with the market rate units, shall be provided at the location on the approved plans, and shall not be significantly distinguishable with regard to design, construction or materials.

**25. Sidewalk Lights**

The applicant shall replace the existing light fixture along First Street and install new light fixture(s) along First Street and Lyell Street as directed by the City Engineer.

**26. Storm Water Filtration Systems**

The Applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

**27. Cost Estimate and Performance Bonds**

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of



improvements) and a 50 percent labor and material bond (to be held six months after acceptance of improvements) for the work in the public right-of-way.

**28. Grading and Drainage Plan**

The Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Department.

**29. Sewage Capacity Study**

The applicant shall submit calculations showing that the City's existing sewer line will not exceed two-thirds full due to the project's sewer loads. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall replace the sewer line with a larger sewer line.

**30. Construction Management Plan**

The Applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The plan shall provide specific details with regard to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

**31. Solid Waste Ordinance Compliance**

The Applicant shall be in compliance with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all multi-family dwellings provide for recycling and organics collection programs.

**32. Solid Waste and Recyclables Disposal Plan**

The Applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type, size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The Applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, Applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

**PRIOR TO FINAL OCCUPANCY**

**33. Condominium Map**

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

**34. Landscape and Irrigation Installation**

All on- and off-site landscaping and irrigation shall be installed and approved by the Community Development Director and the City Engineer. Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

**35. Signage and Lighting Installation**

The applicant shall install all required signage and on-site lighting per the approved plan.

**36. Green Building Verification**

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

**37. Acoustical Report**

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

**38. Public Alleyway**

The Applicant shall improve the entire width of the alleyway along the rear of the project with the treatment approved by the City Engineer.

**39. First Street Sidewalk Replacement**

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

**40. New ADA Ramps and Crosswalks**

The applicant shall provide two new ADA ramps and crosswalk stripping per the City standards on First Street on the north side of the intersection with Lyell Street, on Lyell Street at the intersection with First Street and on the alley where it connects with Lyell Street.

**41. Public Infrastructure Repairs**

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

**42. Maintenance Bond**

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

**43. SWMP Certification**

The Applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The Applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.

**44. Label Catch Basin Inlets**

The Applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the “NO DUMPING - FLOWS TO ADOBE CREEK” logo as required by the City.