

RESOLUTION NO. 2019-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, ADOPTING A MITIGATED NEGATIVE DECLARATION, AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE DESIGN REVIEW, USE PERMIT AND SUBDIVISION APPLICATIONS FOR A NEW 196-UNIT MULTI-FAMILY DEVELOPMENT AT 5150 EL CAMINO REAL

WHEREAS, the City of Los Altos received a development application from Dutchints Development, LLC (Applicant), for a new 196-unit multiple-family residential development at 5150 El Camino Real that includes Design Review 18-D-05, Use Permit 18-UP-07 and Subdivision 18-SD-03, referred to herein as the “Project”; and

WHEREAS, said Project is located in the CT District, which allows multiple-family housing as a conditional use at a maximum density of 38 dwelling units per net acre of land; and

WHEREAS, said Project has a net site area of 3.80 acres (165,345 square feet), which will allow for a base residential density of 145 dwelling units; and

WHEREAS, the Applicant is offering 28 affordable housing units for sale (12 moderate income and 16 very-low income) as part of the Project; and

WHEREAS, the Applicant’s proposed unit mix would consist of 19 percent of its base density as affordable, with 11 percent of the units affordable at the very-low income level, thereby entitling the project to qualify for a density bonus, two incentives and additional concessions pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

WHEREAS, the Applicant is seeking two incentives under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040 to allow: a) the two condominium buildings along El Camino Real to have a primary height of 56 feet, where the Code allows for 45 feet; and b) an on-site parking stall width of 8.5 feet for the parking spaces in the underground garage, where the Code requires an on-site parking stall width of nine feet; and

WHEREAS, the Applicant is eligible for and has requested a 35 percent density bonus (312 additional market rate units) to allow development of the Project pursuant to Government Code 65915 and Los Altos Municipal Code Section 14.28.040; and

WHEREAS, the Applicant is eligible for and has requested a parking requirement alteration under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(G)(2)(a) to allow for a reduction in the parking requirement, inclusive of handicapped and guest parking, to allow for a reduction in the parking requirement to: 1) zero to one bedroom units, one onsite parking space, 2) two to three bedroom units, two onsite parking spaces, and for four and more bedroom units, two and one-half parking space; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Guidelines section 15063, the City prepared an Initial Study to analyze whether the proposed Project may cause a potentially significant effect on the environment; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the proposed Project could have potentially significant impacts but that those impacts could be reduced to less than significant levels with implementation of proposed mitigation measures, the City determined that a Mitigated Negative Declaration (“MND”) should be prepared for the proposed Project, and a MND was prepared pursuant to CEQA, a copy of which is attached hereto as Exhibit “C”; and; and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the City prepared a program for reporting on and monitoring the changes which it has either required in the proposed Project or made a condition of approval to mitigate or avoid potential significant environmental effects (the “Mitigation Monitoring and Reporting Program” or “MMRP”), a copy of which is attached hereto as Exhibit “D”; and

WHEREAS, the City properly distributed a Notice of Intent to Adopt a Mitigated MND, pursuant to State CEQA Guidelines section 15072; and

WHEREAS, the City provided copies of the Initial Study and MND to the public for a review and comment period beginning on July 11, 2019 and ending on August 9, 2019, pursuant to State CEQA Guidelines section 15073, during which time the City received two comment letters; and

WHEREAS, during the public review and comment period, copies of the MND were available for review and inspection at the City of Los Altos City Hall and the main branch of the Los Altos Library, and on the City’s website; 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 May 22, 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 August 12, 2019, the Applicant installed story poles on the site per a story pole plan that was approved by the Community Development Director on August 7, 2019; and

WHEREAS, on August 21, 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 1,000-foot radius; and

WHEREAS, on September 5, 2019, the Planning Commission conducted a duly-noticed public hearing 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 October 22, 2019 and December 10, 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 (Exhibit A), Conditions of Approval (Exhibit B), Mitigated Negative Declaration (Exhibit C) and Mitigation Monitoring and Reporting Program (Exhibit D) attached hereto 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 10th day of December 2019 by the following vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES: None
ABSENT: None
ABSTAIN: None

Attest:


Andrea M. Chelemengos, CITY CLERK


Janis C. Pepper, MAYOR

EXHIBIT A

FINDINGS

1. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As the decision-making body for the proposed Project, the City Council has reviewed and considered the information contained in the Mitigated Negative Declaration (MND), the Initial Study, the administrative record, and all other written and oral evidence presented to the City for the proposed Project, on file with the City and available for review at the Office of the City Clerk, located at 1 N. San Antonio Road, Los Altos, California 94022. Based on the City Council's independent review and analysis, the City Council finds that the MND, Initial Study, and administrative record contain a complete and accurate reporting of the environmental impacts associated with the proposed Project, and that the MND has been completed in compliance with CEQA.
2. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, the City Council finds and determines that evidence in the administrative record, including, without limitation, the analysis and conclusions set forth in the staff reports, responses to comments, testimony provided at the proposed Project's public hearings, the Initial Study, the MND and the supporting technical studies, the proposed Project will not have any potential significant environmental impacts. The City Council has considered all comments and other information submitted to the City in connection with the MND. The City Council further finds and determines that there is no substantial evidence in the administrative record supporting a fair argument that the proposed Project may have a significant environmental impact. The City Council finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the proposed Project and reflects the independent judgment and analysis of the City.
3. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION. The City hereby approves and adopts the MND., which is hereby attached to this Resolution as Exhibit "C".
4. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP, which is hereby attached to this Resolution as Exhibit "D". In the event of any inconsistencies between the mitigation measures as set forth in the MND and the MMRP, the MMRP shall control.
5. DESIGN REVIEW FINDINGS. With regard to Design Review Application 18-D-05, 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 El Camino Real corridor, and all Zoning Code site standards and design criteria applicable for a project in the CT 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 proposal has architectural integrity and has an appropriate relationship heights, massing, and styles of the buildings in the immediate area. The lower height townhouses in the rear provide an appropriate transition

between the single-family district to the south and the taller buildings along El Camino Real, where this additional height and larger scale is more appropriate. The buildings utilize high quality materials that support their architectural style and are appropriately articulated and scaled to relate to the larger buildings on the El Camino Real corridor while providing lower scale townhouses adjacent to the single-family properties to the rear;

- 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 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. The landscaping is generous and inviting, the landscape and hardscape complements the building and is well integrated with the building architecture and surrounding streetscape, and the landscape includes substantial street tree canopy because the proposed landscape and hardscape elements are designed to complement the proposed building design. The landscaping includes various levels with smaller plantings near the sidewalk with taller species and raised planters as it moves toward the face of the building. The landscaping includes substantial street tree canopy in the public right-of-way, along the sides and rear property lines, and throughout the site;
 - 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 architecturally integrated parapet walls and fencing, 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 at the ground level, and consistent with the building architecture in materials and detailing.
6. USE PERMIT FINDINGS. With regard to Use Permit 18-UP-07, the City Council finds, in accordance with Section 14.80.060 of the Municipal Code, as follows:
- a. The proposed location of the multiple-family residential use is desirable and essential to the public comfort, convenience, prosperity, and welfare in that there are a limited number of sites that can accommodate new higher density housing, and the CT District has anticipated and planned for new housing along the El Camino Real corridor and the project provides housing at a variety of affordability levels;

- b. That the proposed location of the multiple-family residential use is in accordance with the objectives of the Zoning Code since the project provides for community growth along sound lines, it is harmonious and convenient in relation to the surrounding land uses, it does not create any significant traffic impacts, it will help the City meet its affordable housing goals, it will protect and enhance property values and it will enhance the City's distinctive character with high-quality building design in a commercial thoroughfare context;
 - c. That the proposed location of the multiple-family residential use, under the circumstances of the particular case and as conditioned, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; and
 - d. That the proposed multiple-family residential use complies with the regulations prescribed for the CT District and the general provisions contained in Chapter 14.02.
7. SUBDIVISION FINDINGS. With regard to Subdivision 18-SD-03, the City Council finds, in accordance with Section 66474 of the Subdivision Map Act of the State of California, as follows:
- a. The proposed subdivision is 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 except where a density bonus, and development incentives have been granted;
 - c. The design of the 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 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 subdivision will not conflict with any public access easements as none have been found or identified on this site.
8. AFFORDABLE HOUSING AND DENSITY BONUS FINDINGS. With regard to the offered below market rate units and requested density bonus, and incentives and 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 28 affordable units for sale, 12 units affordable at the moderate income level and 16 units affordable at the very-low income level, which is 19 percent of the Project's base density, and qualifies the Project for a density bonus, incentives, and a parking requirement alteration;
 - b. Per Table DB 3 in Section 14.28.040(C)(1)(b), a project that offers 11 percent or more of its total units (base density) as very-low income restricted affordable units shall be granted a density bonus of 35 percent, and per Table DB 4 in Section 14.28.040(C)(1)(b), a project that offers 10 percent or more of its total units (base density) as very-low income restricted

affordable units shall be granted two (2) incentives. Since the Project is providing 11 percent of its total units as affordable at the very-low income level, the City shall grant a density bonus of at least 35 percent and two (2) incentives;

- c. For its incentives, the Applicant is requesting the City allow: a) a building height of 56 feet for the two condominium buildings along El Camino Real, where the Code allows for a height of 45 feet; and b) a parking stall width of 8.5 feet for the on-site spaces in the underground parking garage, where the Code requires a minimum parking stall width of nine (9) feet. The height incentive is considered an “on-menu” incentive and the parking stall width reduction incentive is considered an “off-menu” incentive (no reference to on-site parking stall standards). Per Government Code Section 65915(e) and Section 14.28.040(F) Incentive Standards, the City has determined that the “on-menu” incentives would not have a specific adverse impact upon public health and safety or the physical environment or upon a listed historical resource. However, there is sufficient evidence currently in record that both incentives would not have a specific adverse impact upon public health and safety or the physical environment or upon a listed historical resource, would result in identifiable and actual cost reductions to provide for affordable housing costs and it would not be contrary to state or federal law; and
- d. Per Section 14.28.040(G)(2)(a), since the Project is eligible for a density bonus, the parking requirement, inclusive of handicapped and guest parking, of a development is the following: 1) For zero to one bedroom units, one onsite parking space, 2) for two to three bedroom units, two onsite parking spaces, and for four and more bedroom units, two and one-half parking spaces. The project includes 196 condominium and townhouse units with a total of 80 one bedroom units, 110 two bedroom units and six four bedroom units, so a minimum of 312 onsite parking spaces is required. Since the project is providing 312 onsite parking spaces, it meets the minimum permitted by the Code.
- e. The proposed project provides for a variety of housing types in a variety of income categories, including very low income and moderate-income units, and retaining the affordability of these units in perpetuity allows the conservation of the City’s affordable housing stock for the long term.
- f. The proposed project, as conditioned, provides for the long-term affordability of housing units that further the Goals, Policies, and Programs of the 2015-2023 Housing Element of the Los Altos General Plan.

EXHIBIT B
CONDITIONS

GENERAL

1. Approved Plans

The project approval is based upon the plans documentation received on November 20, 2019, except as modified by these conditions.

2. Affordable Housing

The project shall provide the City 28 below market rate units as follows:

- a. Twelve (12) one-bedroom condominium units at the very-low income level;
- b. Four (4) two-bedroom condominium units at the very-low income level;
- c. Nine (9) two-bedroom condominium units at the moderate income level;
- d. Two (2) two-bedroom townhouse units at the moderate income level; and
- e. One (1) three-bedroom townhouse unit at the moderate income level.

3. Exterior Lighting

- a. Any exterior lighting above the ground floor on the sides and rear of the condominium and townhouse buildings shall be shrouded and/or directed down to minimize glare.
- b. All ground level exterior lighting along pathways, in common areas and as part of the landscaping shall incorporate the lowest wattage necessary to comply with applicable Building and Energy Codes and shall be designed to face downward and away from shared property lines to minimize off-site glare.

4. Rear Yard Landscape Buffer

- a. The existing grade within five (5) feet of the rear property line within the 20-foot landscape buffer should be maintained to the greatest extent feasible.
- b. The existing potocarpus trees along the rear property line shall be maintained to the greatest extent feasible.
- c. The existing fence along the rear property line shall be maintained, repaired and/or replaced based on consultations with the owner(s) of each adjacent property.
- d. Grading and trenching shall be minimized within the dripline of any tree that is directly adjacent to the property line. If grading or trenching within a tree dripline is required, it shall be done under supervision of a licensed arborist and the owner of the tree shall be notified in advance.

5. Phased Parking

The project shall provide the resident and guest parking spaces required for the condominium and townhouse units developed during each phase of the development and shall provide such spaces, if not available in the underground garage, at a paved location on-site where the parking spaces and drive aisles are adequately delineated. A phase of development not completed will be developed as activated space within 12 months of certificate of occupancy.

6. Phase Development

Once construction is initiated by the developer, there shall be continuous progress. If a phase of development is not completed, the undeveloped area shall be developed as activated space within 12 months of the certificate of occupancy.

7. Tree Preservation

The applicant shall use best efforts, as reasonably determined by the Community Development Director, to preserve tree number six as identified in the arborist report dated May 8, 2018.

8. Bicycle Parking

The project shall be updated to include additional grade level Class I and II bicycle parking spaces.

9. Transit Facility Enhancements

The development project shall coordinate with the Santa Clara County Valley Transportation Authority (VTA) to preserve the existing bus stop along the southern project frontage both during and post construction. During construction the transit facility cannot be blocked or relocated without approval from the VTA. Upon completion of project construction, the transit stop must be accommodated within the project's frontage improvements and include a new illuminated shelter with a dynamic message board facility for use by the City and VTA for community outreach efforts. The shelter and dynamic message board will be selected with input from both the VTA and City of Los Altos and be maintained by the frontage including refuse pick-up. The transit facility shall include enhanced red transit stop roadway markings and signage to highlight the facility and restrict parking. Based upon VTA input, the transit facility may also include additional enhancements to accommodate ride share drop off and pick up of residents and micro-mobility facilities such as electric bike share and other regional systems.

10. Parking Restrictions along El Camino Real

The project frontage, including the portion of El Camino Real north of the project site to Distel Drive shall include parking restrictions to accommodate future enhanced bicycle facilities for southbound El Camino Real.

11. Route to School Maps

A Route to School map shall be developed and provided to residents identifying the suggested Routes to School. The map shall be maintained and regularly updated to ensure accurate and safe routes to school.

12. 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. *Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

13. Public Utilities

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

14. Americans with Disabilities Act

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

15. Stormwater Management Plan

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

16. Sewer Lateral

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

17. 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.

18. 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

19. 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.

20. Property Address

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

21. Screening Trees

The project shall address privacy screening trees as follows:

- a. The landscape plan shall provide fast-growing evergreen screening trees along the side property lines (east and west) and rear property lines (south) as required by the Community Development Director.
- b. All evergreen screening trees within the rear yard adjacent to the rear property line shall be at the approximate heights at 2 years growth as represented on the project architect's submittal dated November 20, 2019. The trees shall be planted as soon as practicable after building permit issuance to minimize views of the townhouses and condominium buildings.
- c. Along rear property line, the evergreen screening trees shall be planted a distance of 5' to 10' from the rear property line in a staggered manner so that they are not lined up parallel to the rear property line.
- d. The applicant shall work with the City to preserve trees along El Camino Real.
- e. The applicant shall work with the neighbors whose rear yard backs up to the project site, and who are interested, to plant trees on the neighbor's private property at the rear line of their fence to address privacy concerns.

22. Fence

The project plans shall be revised to incorporate fences along the side (east and west) property lines and south (rear) property line with a minimum height ten to twelve feet based on consultations with the owner(s) of each adjacent property for the purpose of attenuating noise and improving privacy.

23. Common Open Space

The project plans shall revise the common open space area to provide family- and children-oriented open space and amenities, including, but not limited to a playground for young children, dedicated area for dogs, outdoor cooking facilities, and other family-oriented amenities.

24. Affordable Units

Upon completion of first phase of the project (indicated as the townhomes), three townhouses shall not be sold for five years from the date of occupancy and shall be held by an entity controlled by Dutchints Development. If the second or third phase are not initiated within five years from completion of Phase 1, the three unsold townhouse units shall be dedicated as affordable units.

25. Affordable Unit Term

All below market residential units subject to this approval shall remain affordable in perpetuity or for the maximum period provided by law.

26. Parkland Dedication

The applicant and City shall enter into a memorandum of understanding (MOU) or Exclusive Negotiating Agreement by January 31, 2020 that allows the city and applicant/developer to negotiate the terms of an agreement that will provide a public park at 745 Distel Drive. The agreement shall:

- a. Provide for a “turn key” park and detail the process by which the park design will be developed and approved.
- b. Provide for payment to the city of the difference between the total cost of the park and the in-lieu park fee amount that would otherwise be paid.
- c. Require the payment of the estimated difference between the total cost of the park and the otherwise required in-lieu fee at the time of issuance of the first building permit for the project.
- d. Include an “opt-out” clause.

27. 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.

28. Air Quality Filtration and Ventilation Requirements

The project shall install air filtration at residential units exposed to annual PM_{2.5} exposure above 0.3 µg/m³. To ensure adequate health protection to sensitive receptors, a ventilation system is proposed to meet the following minimal design standards:

- a. Install air filtration in residential buildings. Air filtration devices shall be rated MERV13 or higher for portions of the site that have annual PM_{2.5} exposure above 0.3 µg/m³. The ventilation system, whether mechanical or passive, shall filter all fresh air circulated into the dwelling units.

- b. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air condition (HVAC) air filtration system shall be required.
- c. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

29. Noise Level Requirements

To ensure consistency with the General Plan and Noise Control Ordinance, the applicant shall incorporate the following requirements into the project design:

- a. When refining the project's site plan, locate outdoor use areas away from El Camino Real and continue to shield noise-sensitive outdoor spaces with buildings or noise barriers where feasible.
- b. Provide a suitable form of forced-air mechanical ventilation, as determined by the building official, for all residential buildings, so that windows can be kept closed to control noise.
- c. Provide sound-rated windows to northeast, northwest, and southeast facing condominium units to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Rating of 33 to 34 would be satisfactory for units fronting El Camino Real and windows with minimum STC Rating of 28 to 29 would be satisfactory for northwest and southeast facing condominium units to achieve acceptable interior noise levels, assuming a wall construction with STC 46 or greater and 40 percent windows or less. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project once final building plans and elevations are available.

30. Traffic Signal Modification at El Camino Real and Rengstorff Avenue

The traffic signal facility at the intersection of El Camino Real & Rengstorff Avenue shall be revised to be consistent with the current State of California design standards. Traffic signal modification shall be coordinated with the California Department of Transportation – Caltrans and the City of Mountain View and modifications may include new pole standards replacement, curb ramp reconfiguration, accessible pedestrian signal upgrades for ADA accessibility, bulb-out improvements for mobility enhancements, streetlight upgrades, and other improvements necessary to comply with planned Caltrans and City of Mountain View Grand Boulevard design standard for El Camino Real. It shall be the responsibility of the developer and their contractor agents to obtain any necessary Encroachment Permits from both Caltrans and the City of Mountain View prior to the commencement of work and approval of off-site improvement plans by the City. The traffic signal modification plan shall include a photometric analysis of the intersection to help identify necessary lighting upgrades to maintain an average 4.0 foot-candle light distribution through the entire intersection.

31. Intersection Driveway Configuration

The new driveway configuration for the 5150 El Camino Real project shall include a detached driveway at the El Camino Real & Rengstorff Avenue intersection, with both aligning with movements on the Rengstorff Avenue side of the intersection, and maintain clearly defined pedestrian access through the intersection across the driveway with traffic signal controls.

PRIOR TO FINAL MAP RECORDATION

32. Covenants, Conditions and Restrictions

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

- a. Along rear property line – trees shall be planted a distance of 5' to 10' from the rear property line in a staggered manner so that they are not lined up parallel to the rear property line.
- b. Storage on private patios and decks shall be restricted; and rules for other objects stored on private patios and decks shall be established with the goal of minimizing visual impacts.
- c. Long-term maintenance and upkeep of the landscaping and street trees, as approved by the City, shall be a duty and responsibility of the property owners. Specifically, the landscape buffer, including both trees and landscaping, along the rear property line shall be permanently maintained as required by the CT District per Municipal Code Section 14.50.110(C).
- d. Both parking spaces in a tandem space shall be owned by the same unit and cannot be owned or used by separate units.
- e. The parking spaces on the dead-end drive aisles should be reserved for residents and guest parking spaces should be located near the driveway ramp.
- f. The maintenance, upkeep, and replacement of any removed plant or tree as shown on the project landscape plan and on-going maintenance of street trees, as approved by the City, shall be a duty and responsibility of the property owners in perpetuity.

33. Pedestrian Access Easement

The applicant shall dedicate the portion of the public sidewalk along the El Camino Real frontage that is on the project site to the City of Los Altos for use as a pedestrian access easement. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos.

34. Public Utility Dedication

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

35. Payment of Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in-lieu fees, traffic impact fees as modified by condition No. 26, affordable housing impact fees, public art impact fee and map check fee plus deposit as required by the City of Los Altos Municipal Code.

PRIOR TO ISSUANCE OF BUILDING PERMIT

36. 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.

37. Well Destruction

Prior to a final on the grading permit, any on-site well(s) encountered shall be removed or mitigated to eliminate hazards associated with abandoned wells, subject to any required permits from the Department of Environmental Resources, Valley Water and in accordance with all laws and policies (Santa Clara County and California State Model Well Standards).

38. Electric Vehicle Charging and Electric Vehicle Ready Stalls

The project plans shall show the electric vehicle charging (EVC) stalls and electric vehicle ready (EVR) stalls consistent with the project plans received on November 20, 2019 or the Los Altos Municipal Code, whichever results in the greater number of EVC or EVR stalls.

39. Photovoltaic Panels and System

The project plans shall show the photovoltaic panels and system consistent with the project plans received on November 20, 2019 or the Los Altos Municipal Code, whichever results in the greater number of photovoltaic panels and system.

40. 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 28 below market rate units, for an indefinite period, 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.

41. Affordable Housing

Within 30 days of project approval, the applicant shall enter into a Memorandum of Understanding with a third-party affordable housing developer to use best efforts to explore and effectuate financing options for the purchase and management of up to an additional 58 market-rate units in the Project to be dedicated as affordable rental units.

42. Performance Bond

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

43. Maintenance Bond

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

44. Stormwater Management Plan

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated and is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

45. 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.

46. Grading and Drainage Plan

The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer.

47. Sewage Capacity Study

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. 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 upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer.

48. Construction Management Plan

The applicant shall submit a construction management plan on a monthly basis for review and approval by the Community Development Director and the City Engineer that includes the following:

- a. 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, staging area, pedestrian protection, material storage, earth retention and construction vehicle parking. The staging area shall remain in one location at the project site. All construction parking shall occur on-site or locations approved by the Community Development Director. No construction parking shall be permitted in residential neighborhoods.
- b. Applicant, Developer, or Contractor shall designate a "disturbance coordinator" who can address complaints/concerns/issues/questions related to construction or development during, including dust control and excessive vibration, all phases of the project and provide the City of Los Altos with the name and contact information of the person appointed to this position.
- c. Applicant, Developer, or Contractor shall post publicly visible sign(s) with the telephone number and name of "disturbance coordinator" and include copy on the sign indicating that this is the project contact who can address complaints/concerns/issues/questions related to construction or development during all phases of the project.
- d. Applicant/Developer/Contractor shall maintain and submit a copy to the City of Los Altos Community Development Department a log of all complaints/concerns/issues/questions related to construction or development during all phases of the project. The log shall provide a description of the complaint/concern/issue/question at hand and the efforts taken to address them. Every effort shall be made to respond to a submitted complaint/concern/issue/question within 24 hours.
- e. All vehicles involved with or related to the construction of this project shall be limited to parking on the project site or the property at 745 Distel Drive. There shall be no construction parking of any type in any of the neighboring residential areas and all involved in the construction and development of this project shall be notified verbally and in writing of these limitations and provided with maps of approved parking locations.
- f. 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.

49. Solid Waste Ordinance Compliance

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

50. 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.

51. Sidewalk Lights

The applicant shall maintain the existing light fixture and/or install new light fixture(s) in the El Camino Real sidewalk as directed by the City Engineer.

PRIOR TO FINAL OCCUPANCY

52. Condominium Map

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

53. 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.

54. Signage and Lighting Installation

The applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

55. 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.

56. Acoustical Report

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

57. Sidewalk in Public Right-of-Way

The applicant shall install new sidewalk, vertical curb and gutter, and driveway approaches from property line to property line along the frontage of El Camino Real as shown on the approved plans and as required by the City Engineer.

58. 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 El Camino Real and Jordan Ave. if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.*

59. Maintenance Bond

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

60. 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.

61. Bicycle Pathway

A pathway (painted) shall be shown on the lower level basement floor plan to delineate a pathway from the elevator to the bicycle storage lockers on the lower basement level.

EXHIBIT C

City of Los Altos MITIGATED NEGATIVE DECLARATION 5150 El Camino Real Residential Development

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Mitigated Negative Declaration pursuant to the California Environmental Quality Act:

Proposed Project: New 196-unit Condominium and Townhouse Development

Location: 5150 El Camino Real, Los Altos, County of Santa Clara.

Finding: The proposed project will not have a significant effect on the environment.

Reasons Supporting the Finding:

- An Initial Study of Environmental Effects has been prepared that identified no potentially significant impacts.
- The proposed project conforms to the City's General Plan and Zoning Ordinance.
- Because of its in-fill location, new public services and utilities are not required.
- The project will not adversely impact fish and wildlife resources or their habitats.

Mitigation Measures Included in the Project: The following mitigation measures are included in the project to avoid potentially significant effects.

1. Air Quality

MM AIR-2: The project shall implement the following measures, in accordance with BAAQMD best management practices:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible;

- Vegetation in disturbed areas shall be planted as quickly as possible;
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
- Post a publicly visible sign with the telephone number and person to contact at the City of Los Altos and the project's disturbance coordinator regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-3: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 93-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Equipment that is electrically powered or uses non-diesel fuels would meet this requirement.
- Cranes and generators set used during construction should be electrically powered.
- Portable equipment (i.e. air compressors and welders) should also be electrically powered.

2. Biological Resources

MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 30th). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.

MM BIO-1.2: If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct preconstruction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

MM BIO-1.3: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended, or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.

MM BIO-1.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (i.e., prior to February 1st).

3. Cultural Resources

MM CUL-2.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development. The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.

MM CUL-2.2: Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

4. Hazards and Hazardous Materials

MM HAZ-2.1: All PCB-containing ballasts shall be removed and disposed of in accordance with state and local laws.

near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- A temporary noise control blanket barrier could be erected, if necessary, at the property line or along building facades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to neighbors with the construction schedule.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

MM NOI-3.1: A construction vibration-monitoring plan shall be implemented to document conditions at the structure located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to groundborne vibration of the structure located within 20 feet of construction.
- Performance of a photo survey, elevation survey, and crack monitoring survey for the structure located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure. Interior inspections would be subject to property owners’ permission.
- Conduct a post-survey on the structure where monitoring has indicated damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

EXHIBIT D

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration for the *5150 El Camino Real Residential Development* project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant and for which no standard or mitigation measures would be required.

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|-----------------------------------|-----------------------------------|-----------------------------|
| AIR QUALITY | | | | |
| <p>IMPACT AIR-2: Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an additional source of airborne dust after it dries. (Significant Impact)</p> | <p>MM AIR-2: The project shall implement the following measures, in accordance with BAAQMD best management practices:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; • All haul trucks transporting soil, sand, or other loose material off-site shall be covered; • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; | <p>During construction period</p> | <p>Project applicant</p> | <p>Building Official</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--------|--|------------------------------|-----------------------------------|-----------------------------|
| | <ul style="list-style-type: none"> • All vehicle speeds on unpaved roads shall be limited to 15 mph; • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible; • Vegetation in disturbed areas shall be planted as quickly as possible; • Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; | | | |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|------------------------------|-----------------------------------|-----------------------------|
| | <ul style="list-style-type: none"> • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; • Post a publicly visible sign with the telephone number and person to contact at the City of Los Altos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. | | | |
| IMPACT AIR-3: The health risk impacts from construction of the project | MM AIR-3: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the | Prior to the commencement of | Project applicant | Building Official |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--|--|---|-----------------------------------|-----------------------------|
| <p>– maximum cancer risk, PM_{2.5} levels, and Hazard Index - would exceed BAAQMD single-source thresholds at adjacent sensitive receptor locations. (Significant Impact)</p> | <p>project would achieve a fleet-wide average 93-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> • All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Equipment that is electrically powered or uses non-diesel fuels would meet this requirement. • Cranes and generators set used during construction shall be electrically powered. • Portable equipment (i.e. air compressors and welders) shall also be electrically powered. | <p>and during the construction period</p> | | |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|---|-----------------------------------|---------------------------------------|
| BIOLOGICAL RESOURCES | | | | |
| <p>IMPACT BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. (Significant Impact)</p> | <p>MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 30th). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.</p> | <p>Prior to issuance of demolition and grading permits or tree removal permits, and during construction</p> | <p>Project applicant</p> | <p>Community Development Director</p> |
| | <p>MM BIO-1.2: If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall</p> | <p>Prior to issuance of demolition and grading permits or tree removal permits, and during construction</p> | <p>Project applicant</p> | <p>Community Development Director</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--------|---|---|-----------------------------------|---|
| | <p>conduct preconstruction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.</p> | | | |
| | <p>MM BIO-1.3: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended or a qualified biologist or ornithologist has determined that the nest is no longer active. The</p> | <p>Prior to issuance of demolition and grading permits or tree removal permits, and during construction</p> | <p>Project applicant</p> | <p>Community Development Director, California Department of Fish and Wildlife</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--|---|--|-----------------------------------|---------------------------------------|
| | <p>ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.</p> <p>MM BIO-1.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (i.e., prior to February 1st).</p> | | | |
| CULTURAL RESOURCES | | | | |
| <p>Impact CUL-2: Subsurface cultural resources could be uncovered during demolition/construction of the proposed project. (Significant Impact)</p> | <p>MM CUL-2.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate</p> | <p>Prior to issuance of grading permit</p> | <p>Project applicant</p> | <p>Community Development Director</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--------|---|------------------------------|-----------------------------------|---------------------------------------|
| | <p>recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development. The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.</p> | | | |
| | <p>MM CUL-2.2: Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event that human remains are discovered during excavation and/or grading of the site, all</p> | <p>During construction</p> | <p>Project applicant</p> | <p>Community Development Director</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|--------|---|------------------------------|-----------------------------------|-----------------------------|
| | <p>activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> | | | |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|--|--|-----------------------------------|--------------------------------|
| HAZARDS AND HAZARDOUS MATERIALS | | | | |
| IMPACT HAZ-2: Demolition of the existing building on the site could expose workers to ACMs, lead-based paint and PCBs. (Significant Impact) | MM HAZ-2.1: All PCB-containing ballasts shall be removed and disposed of in accordance with state and local laws. | Prior to issuance of demolition or grading permits | Project applicant | Community Development Director |
| | MM HAZ-2.2: All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. | Prior to issuance of demolition or grading permits | Project applicant | Community Development Director |
| | MM HAZ-2.3: All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations. | During demolition activities | Project applicant | Community Development Director |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|--|-----------------------------------|---------------------------------------|
| | <p>MM HAZ-2.4: During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p> | <p>During demolition activities</p> | <p>Project applicant</p> | <p>Community Development Director</p> |
| NOISE | | | | |
| <p>Impact NOI-1: Mechanical equipment from the project buildings could generate noise levels as high as 49 to 59 dBA L_{eq} at residences to the southwest and would exceed the 50 dBA L_{eq} limit at the property line and 45 dBA at outdoor</p> | <p>MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine whether the proposed noise reduction measures sufficiently reduce</p> | <p>Prior to issuance of building permits</p> | <p>Project applicant</p> | <p>Community Development Director</p> |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|--------------------------------|-----------------------------------|--------------------------------|
| patios facing the project site. (Significant Impact) | noise to comply with the City’s 50 dBA Leq residential noise limit at the shared property lines, and with the 45 dBA Leq noise limit at residential patios adjoining the site. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. | | | |
| <p>Impact NOI-2: Construction noise from the project would exceed noise level standards set forth by the City for “C” zoning districts. Additionally, construction noise would exceed noise level standards for residential areas when located within 50 feet of the shared property line with the single-family</p> | <p>MM NOI-2.1: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:</p> | During construction activities | Project applicant | Community Development Director |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---|---|------------------------------|-----------------------------------|-----------------------------|
| <p>dwelling to the south and multiple-family dwellings to the west. (Significant Impact)</p> | <ul style="list-style-type: none"> • Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 5:30 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 3:00 p.m., in accordance with the City's Municipal Code. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval. • Use of the concrete saw within 50 feet of any shared property line shall be limited. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more | | | |

**MITIGATION MONITORING OR REPORTING PROGRAM
5150 EL CAMINO REAL RESIDENTIAL DEVELOPMENT**

| Impact | Mitigation | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|---------------|---|-------------------------------------|--|------------------------------------|
| | <p>activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> | | | |

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| HAZARDS AND HAZARDOUS MATERIALS | | | | |
| IMPACT HAZ-2: Demolition of the existing building on the site could expose workers to ACMs, lead-based paint and PCBs. (Significant Impact) | MM HAZ-2.1: All PCB-containing ballasts shall be removed and disposed of in accordance with state and local laws. | Prior to issuance of demolition or grading permits | Project applicant | Community Development Director |
| | MM HAZ-2.2: All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. | Prior to issuance of demolition or grading permits | Project applicant | Community Development Director |
| | MM HAZ-2.3: All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations. | During demolition activities | Project applicant | Community Development Director |

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| | <p>MM HAZ-2.4: During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p> | <p>During demolition activities</p> | <p>Project applicant</p> | <p>Community Development Director</p> |
| NOISE | | | | |
| <p>Impact NOI-1: Mechanical equipment from the project buildings could generate noise levels as high as 49 to 59 dBA L_{eq} at residences to the southwest and would exceed the 50 dBA L_{eq} limit at the property line and 45 dBA at outdoor</p> | <p>MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine whether the proposed noise reduction measures sufficiently reduce</p> | <p>Prior to issuance of building permits</p> | <p>Project applicant</p> | <p>Community Development Director</p> |

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| patios facing the project site. (Significant Impact) | noise to comply with the City’s 50 dBA Leq residential noise limit at the shared property lines, and with the 45 dBA Leq noise limit at residential patios adjoining the site. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. | | | |
| <p>Impact NOI-2: Construction noise from the project would exceed noise level standards set forth by the City for “C” zoning districts. Additionally, construction noise would exceed noise level standards for residential areas when located within 50 feet of the shared property line with the single-family</p> | <p>MM NOI-2.1: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:</p> | During construction activities | Project applicant | Community Development Director |

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