

RESOLUTION NO. 2017-45

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A DESIGN REVIEW, USE PERMIT AND SUBDIVISION  
APPLICATION FOR A NEW MIXED-USE PROJECT AT 962 ACACIA AVENUE**

**WHEREAS**, the City of Los Altos received a development application from R. Haro, for a new mixed-use project with two residential condominium units and one commercial condominium, which includes Design Review, Use Permit and Subdivision applications 15-D-04, 15-UP-01 and 15-SD-02, referred herein as the "Project"; and

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

**WHEREAS**, the Design Permit, Use Permit and Subdivision applications were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, the Planning and Transportation Commission held a duly noticed public hearing on the Project on July 20, 2017, at which all public comment was duly considered and voted to recommend approval of the project to the City Council; and

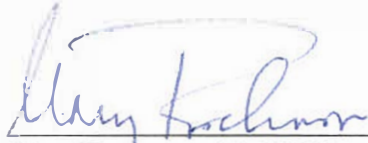
**WHEREAS**, the City Council held a duly noticed public meeting on the Project on November 14, 2017 at which all public comment was duly considered; and

**WHEREAS**, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision was made are located in the Office of City Clerk.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and conditions attached hereto as Exhibit "A" 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 14<sup>th</sup> day of November, 2017 by the following vote:

AYES: LEE ENG, MORDO, PEPPER, PROCHNOW  
NOES: BRUINS  
ABSENT: NONE  
ABSTAIN: NONE

  
\_\_\_\_\_  
Mary Prochnow, MAYOR

Attest:

  
\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK

## EXHIBIT A

### FINDINGS

1. With regard to environmental review, the City Council finds in accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, that the project is classified as an infill development project and exempt from further review based on the following findings:
  - a. The project is consistent with the Los Altos General Plan land use designation of Thoroughfare Commercial, the Commercial Neighborhood (CN) Zone District designation, all applicable General Plan policies and all applicable zoning regulations;
  - b. The proposed development is within the Los Altos city limits on a site of less than five acres that is substantially surrounded by urban uses; and there is no record that the project site has value as habitat for endangered, rare or threatened species;
  - c. Based staff analysis and documentation provided by the applicant, approval of the project would not result in significant effects relating to traffic, noise, air quality, or water quality; and
  - d. The project site can be adequately served by all required utilities and public services.
2. With regard to the design review findings for the new three-story mixed-use structure, the City Council finds the following in accordance with Section 14.78.060 of the Municipal Code:
  - a. The proposal meets all applicable goals, policies and objectives of the General Plan, the Sherwood Gateway Specific Plan and CN District design criteria because it is providing a new mixed-use building with two new residential condominium units and one commercial unit in a commercial neighborhood (CN) district, and it incorporates high quality architectural design and is compatible with the existing development in the immediate vicinity;
  - b. The proposal has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
  - c. The building mass is well articulated to relate to the human scale, both horizontally and vertically because the project includes a variety of walls depths, and smaller scale elements, the building elevations have variation and depth to avoid large blank wall surfaces, and the project incorporates elements, such as smaller scale windows and balconies, which signal habitation;
  - d. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height,

bulk and mass, and are harmonious with other structures in the immediate area. The exterior materials and finishes, which include two-piece clay tile roof, smooth finish stucco siding, metal clad windows, precast stone trim, wrought iron balcony railing, French doors to balconies, and wood carriage garage, convey a sense of quality, integrity, permanence and durability. These materials are used effectively to define the building's entry elements, windows, balconies, garages and second story elements;

- e. The landscaping, which includes a new crape myrtle tree and other lower planting species is generous and inviting; the landscape and hardscape features are designed to complement the building and parking areas, highlight each of the front entries and is integrated with the building architecture and the surrounding streetscape;
  - f. The exterior mechanical equipment, which is located at ground level adjacent to the building, is screened from public view by fencing that relates to the building architecture in form, material and detailing; and
  - g. The service, trash and utility areas are enclosed within the building in order to be screened from public view and are placed in a way that is consistent with the building architecture in materials and detailing.
3. With regard to the use permit for a new mixed-use building, the City Council finds the following in accordance with Section 14.80.060 of the Municipal Code:
- a. The proposed location of the mixed-use building is desirable and essential to support public safety, comfort, convenience, prosperity, and welfare in the Sherwood Gateway neighborhood;
  - b. The proposed location of the mixed-use building is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title in that the project provides for community growth, the design is harmonious and convenient in relation to surrounding land uses, the project does not create any significant traffic impacts, the project helps to meet the City's housing goals, the project protects and enhances property values, and the project enhances the City's distinctive character with a high-quality building design in a commercial neighborhood context;
  - c. The proposed location of the mixed-use building, 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. The proposed uses within the mixed-use building comply with the regulations prescribed for the CN Zone District and the general provisions of Zoning Code Chapter 14.02.
4. With regard to the three-unit condominium subdivision, the City Council finds the following in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- a. The proposed subdivision is consistent with all applicable goals, policies and objectives of the Los Altos General Plan;
- b. The site is physically suitable for this type and density of development in that the site is generally flat with minimal slope and located within a suburban context with access to all city services, including sewer, water, electricity and public streets;
- c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or avoidably injure fish or wildlife since there is not any identified sensitive habitat or other environmental resources on or in proximity to the site;
- d. The design of the subdivision is not likely to cause serious public health problems since the project is consistent with the commercial and multiple-family character of the neighborhood and is located on a site for which all public utilities are available; and
- e. The design of the subdivision will not conflict with access easements since there are not any existing access easements that encumber the site.

## CONDITIONS

### **GENERAL**

**1. Approved Plans**

Project approval is based upon the plans received on September 29, 2017 except as modified by these conditions.

**2. Public Right-of-Way Work**

All work within the public right-of-way shall be done in accordance with plans to be approved by the City Engineer.

**3. Encroachment Permit**

The applicant shall obtain an encroachment permit and/or excavation permit 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.

**4. Public Utilities**

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

**5. Americans with Disabilities Act**

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

**6. Stormwater Management and NPDES Permit**

The applicant shall submit a complete Stormwater Management Plan (SWMP) report showing that 100% of the site is being treated to include the new asphalt alleyway and new sidewalk; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP); show that all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID) and in compliance with the December 1, 2011 requirements. The SWMP shall be reviewed and approved by a City approved third party consultant at the applicant's expense. The recommendation from the SWMP shall be shown on the building plans.

**7. Sewer Connection**

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

**8. Second Story Lighting**

All exterior lighting above the ground floor shall be shrouded and/or downward facing.

**9. Plan Changes**

The Planning Commission may approve minor changes to the development plans. Substantive changes require a formal amendment of the application with review by the Planning Commission and City Council.

**10. Indemnity and Hold Harmless**

The property owner agrees to indemnify and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging the City's action with respect to the applicant's project.

### **PRIOR TO FINAL MAP RECORDATION**

**11. Public Utility Easements**

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

**12. Impact 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 and map check fee plus deposit as required by the City of Los Altos Municipal Code.

**PRIOR TO BUILDING PERMIT SUBMITTAL**

**13. 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.

**14. Right-of-Way Construction**

The applicant shall submit detailed plans for any construction activities affecting the public right-of-way, include but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by the City.

**15. Sewer Capacity**

The applicant shall show sewer connection to the City sewer main line and submit calculations showing that the City's existing six-inch 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 upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the Director of Public Works.

**16. Abandon Sewer Laterals**

The applicant shall abandon additional sewer laterals and cap at the main if they are not being used. A property line sewer cleanout shall be installed within five feet of the property line within private property.

**17. Trash Enclosure**

The applicant shall contact Mission Trail Waste Systems and submit a solid waste, recyclables (and organics, if applicable) 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 roofed 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.

**18. Right-of-Way Improvements**

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond (to be hold until acceptance of improvements for the work in the public right-of-way).

**19. Stormwater Management Plan**

The applicant shall comply with the Stormwater Pollution Prevention Measures per Chapter 10.16 of the Los Altos Municipal Code.

**20. 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.

**21. Property Address**

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

**22. Truck Routing**

A truck routing and staging plan for the proposed excavation of the site shall be submitted for review and approval by the City Engineer.

**23. Construction Management Plan**

The applicant shall submit a construction management plan for review and approval by the Community Development Director. The construction management plans shall address any construction activities affecting the public right-of-way, including but not limited to: prohibiting dirt hauling during peak traffic hours, excavation, traffic control, truck routing, pedestrian protection, appropriately designed fencing to limit project impacts and maintain traffic visibility as much as practical, material storage, earth retention and construction and employee vehicle parking.

**24. Construction Activities**

The applicant shall submit detailed plans for any construction activities affecting the public right-of-way, include but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by the City.

**PRIOR TO FINAL OCUPANCY**

**25. Condominium Map**

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

**26. Maintenance Bond**

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

**27. Underground Utilities**

The applicant shall be responsible for the removal/undergrounding of all existing overhead utilizes.

**28. Sidewalk, Curb and Alley Replacement**

The applicant shall repave the entire width of the alleyway frontage, install new sidewalk, modified curb and gutter curb, install a modified driveway approach to conform with a new sidewalk, and to install ADA ramps at the frontage of Acacia Avenue to conform to adjacent property as directed by the City Engineer and/or his/her designee. The performance bond shall also include an additional six percent of the construction cost estimate to cover the City's administration costs.

**29. Stormwater Catch Basin**

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.

**30. Storm Water Management Plan**

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, the applicant shall record the agreement.

**31. Solid Waste Ordinance**

The applicant shall comply with the City’s adopted Solid Waste Collection, Removal, Disposal Processing and Recycling Ordinance, which requires mandatory commercial and multi-family dwellings to provide for recycling, and organics collection programs per Chapter 6.12 of the Municipal Code.

**32. Landscape Installation**

The applicant shall install all landscaping and irrigation, as approved by the Community Development Director and City Engineer.

**33. 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.