

**RESOLUTION NO. 2021-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A DESIGN REVIEW FOR A RECONFIGURED PARKING LOT  
AND CARPORT STRUCTURE AT THE DAVID AND LUCILE PACKARD  
FOUNDATION BUILDING AT 374 SECOND STREET AND MAKING  
FINDINGS OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (“CEQA”)**

**WHEREAS**, the City of Los Altos received a Design Review application (D20-0008) from the David and Lucile Packard Foundation to reconfigure the existing surface parking lots to provide 86 parking spaces and construct a carport structure covering approximately 5,610 square feet at 374 Second Street; and

**WHEREAS**, the design review application is categorically exempt from environmental review pursuant to Section 15301 (Class 1), Existing Facilities and 15303 New Construction or Conversion of Small Structures (Class 3) of the California Environmental Quality Act (CEQA) Guidelines, and none of the circumstances listed in CEQA Guidelines Section 15300.2 applies. Class 1 categorical exemptions consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, etc. involving negligible or no expansion of existing or former use. Class 3 categorical exemptions consists of construction and location of limited numbers of new, small facilities or structures and the installation of small new equipment and facilities in small structures, which lists accessory (appurtenant) structures including garages and carports. The applicant requests to modify the existing surface parking lot to include carports and an additional 28 parking spaces. The proposed changes to the existing parking lot do not expand the use of the building (Packard Foundation) that it is associated with, and the proposed carports are specifically listed as a Class 3 categorical exemption.

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the design review application on August 5, 2021 and September 2, 2021, at which all public comment was considered, and voted to recommend approval to the City Council; and

**WHEREAS**, the City Council held a duly noticed public meeting on the design review application on October 26, 2021 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 Design Review (D20-0008) subject to the findings and conditions attached hereto as “Exhibit A” and incorporated herein 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 26<sup>th</sup> day of October, 2021 by the following vote:

## EXHIBIT A

### FINDINGS

1. DESIGN REVIEW FINDINGS. With regard to Design Review Application D20-0008, the City Council finds, in accordance with Section 14.78.060 of the Los Altos Municipal Code, as follows:
  - a. The project meets the goals, policies and objectives of the General Plan and complies with any Zoning Code design criteria for the CD District in that the proposed project is ancillary to the existing Packard Foundation building that was previously approved and the proposed design complies with zoning district standards as described in the agenda report;
  - b. The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design in that the carport structure is limited to one story and has an interior location on the site;
  - c. The existing Packard Foundation building combined with the proposed carport have horizontal and vertical building mass that is articulated to relate to the human scale; it has variation and depth of building elevations to avoid large blank walls;
  - d. The metal exterior material of the carport structure convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements and the one-story structure reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area;
  - e. The existing landscaping of the Packard Building is generous and inviting, and the proposed landscaping and hardscape of the modified parking lot compliments the building and is well integrated with the building architecture. The existing streetscape will be retained and the existing landscape includes retaining substantial street tree canopy and the project will replace a street tree proposed to be removed;
  - f. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions; however, since no new signage is proposed, this finding does not apply;
  - g. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; however, since no new mechanical equipment is proposed, this finding does not apply; and
  - h. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing; however, since no new service, trash, and utility area proposed, this finding does not apply.

## CONDITIONS

### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on October 26, 2023 (24-months from approval date) unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to Section 14.78.080 of the Zoning Code.

**1. Approved Plans**

The design review approval is based upon the plans and materials received on August 23, 2021 except as modified by these conditions and as specified below.

**2. Tree Protection**

The building plans shall incorporate the tree protection plan included in the arborist report by Urban Tree Management (dated May 17, 2021). All tree protection measures shall be carried out by the contractor in coordination with the consulting arborist. Documentation by letter(s) or reports from the consulting arborist shall be submitted prior to final inspection that demonstrates the tree protection plan was implemented by the contractor and consulting arborist.

**3. Tree Removal and Replacement Mitigation**

The trees shown to be removed on the site plan are approved per Section 11.08.070 of the Municipal Code. Replacement trees shall be provided as shown on the approved landscape plans and shall be a minimum 15 gallon or 24-inch box container size. In addition, the applicant shall provide documentation from GreenTown Los Altos that the Packard Foundation completed its commitment to contribute towards the planting of 27 trees off-site trees (Category II type trees or larger) per the City's Street Tree Planting List. GreenTown Los Altos should acknowledge the contribution will only go towards the planting of trees, the type of trees that the contribution paid for, and the time frame for when the trees will be planted.

**4. Indemnification**

The applicant agrees to indemnify, defend, protect 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 any of the City's action with respect to the conditional use permit, design review, and variance.

**5. 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.

**6. Public Utilities**

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

**7. Americans with Disabilities Act**

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

8. **Municipal Regional Stormwater Permit**

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

9. **Transportation Permit**

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

**INCLUDED WITH THE BUILDING PERMIT APPLICATION**

10. **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.

11. **Tree Protection Note**

On the grading plan and/or the site plan, all tree protection fencing shall be shown, and the following note shall be added: "All tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground."

12. **Property Address**

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

13. **Water Efficient Landscape Plan**

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

14. **Pollution Prevention**

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

15. **Storm Water Management Plan**

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

16. **Public Utility Dedication**

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

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

17. **Final Lot Line Adjustment Application and Recordation**

Plats and legal descriptions of the lot line adjustment 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. The lot line adjustment shall be recorded prior to issuance of the building permit. The recordation for a two-foot wide public access easement along the public alley as offered and shown in the approved plans shall be recorded by separate

instrument. Conforming copies of the above documents shall be provided to the City of Los Altos to demonstrate recording in the Official Records of Santa Clara County.

**18. Payment of Fees**

The applicant shall pay all applicable fees, including but not limited to map check fee plus deposit as required by the City of Los Altos Municipal Code.

**19. Storm Water Filtration Systems**

The Applicant shall insure the design of all storm water treatment systems and devices are without standing water to avoid mosquito/insect infestation. The applicant shall install equal size of rain garden that is proposed to be replaced by the new driveway. The new location of rain garden shall be approved by Engineering Service Department.

**20. Cost Estimate and Performance Bonds**

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held 6 months after acceptance of improvements) for the work in the public right-of-way.

**21. Grading and Drainage Plan**

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

**22. Tree Protection**

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, of trees the trees to remain as shown on the site plan. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground and shall not be removed until all building construction has been completed unless approved by the Planning Division.

**23. Construction Management Plan**

The Applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The plan shall provide specific details with regard to how construction vehicle parking will be managed to minimize impacts on nearby property owners, residences, and businesses. 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.

**PRIOR TO FINAL BUILDING PERMIT INSPECTION**

**24. Public Alleyway**

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

**25. 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 (if required).

**26. Tree Protection and Mitigation Verification**

The applicant shall provide a letter or reports from the consulting arborist that documents that tree protection measures were implemented throughout the project consistent with Condition #2 and a letter from GreenTown Los Altos consistent with Condition #3.

**27. Public Infrastructure Repairs**

The Applicant shall repair any damaged right-of-way infrastructure 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 Second Street if determined to be damaged during construction, as directed by the City Engineer or his designee.

**28. Maintenance Bond**

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

**29. 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.

**30. 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 WELO 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.

**31. Label Catch Basin Inlets**

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

**32. Release Obligations for ATMP Monitoring**

The applicant shall record a document in a form approved by the City Attorney affirming the property owner's obligations under the Development Agreement recorded in the Official Records of Santa Clara County on September 29, 2010 as Document No. 20893608 and Deed Restriction recorded in the Official Records of Santa Clara County on September 29, 2010 as Document No. 20893609. These obligations include the obligation to comply with an Alternative Transportation Demand Management Program (ATMP), except that the recorded document will release the applicant from the obligation to monitor the effectiveness of the ATMP and the additional reserve parking area, as described in the development agreement and deed restriction.

AYES: Council Members Meadows and Weinberg, Mayor Fligor  
NOES: Council Member Lee Eng, Vice Mayor Enander  
ABSENT: None  
ABSTAIN: None



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Neysa Fligor, MAYOR

Attest:



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Andrea Chelemengos, MMC, CITY CLERK