

**RESOLUTION NO. 2022-72**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A CLASS 32 NOTICE OF EXEMPTION PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING THE  
DESIGN REVIEW PERMIT AND CONDITIONAL USE PERMIT APPLICATIONS  
FOR A 90 UNIT MULTIPLE FAMILY DEVELOPMENT PROPOSAL AT 330 DISTEL  
CIRCLE**

**WHEREAS**, the City of Los Altos received a development application from EAH Housing, (“Applicant”), for a new 90 unit multiple-family residential building (88 Below market rate units and 2 manager units) at 330 Distel Circle that includes requests for a Design Review Permit (File Number D22-0002) and a Conditional Use Permit (CUP22-0001) referred to herein as the “Project”; and

**WHEREAS**, said Project is in the Commercial Thoroughfare (CT) district, which allows multiple-family housing as a conditional use and for a maximum of 38 dwelling units per acre residential density, and the Project proposes a density if 103.45 dwelling units per acre: and

**WHEREAS** the Applicant is offering all 88 units for rental at below market rates and 2 units to be manager’s quarter units at Market Rate as part of the Project proposal; and

**WHEREAS**, by providing 88 units at a below market rate, the Project is entitled to four concessions pursuant to the Los Altos Density Bonus Ordinance (Appendix to Affordable Housing Ordinance, Table E) and State Density Bonus Laws (Government Code Section 65915(d)(2)(D)); and

**WHEREAS**, the Applicant has requested four concessions:

- 1) To reduce the front yard setback to 10 feet whereas a standard front setback of 25 feet for the CT zoning district is required per Section 14.50.090 Los Altos Municipal Code (LAMC).
- 2) To reduce the private open space requirement to an average 28 square feet whereas an average of 50 square feet of open space is required in the CT zoning district per Section 14.50.150 (LAMC).
- 3) To eliminate the 10-foot upper story step-back from the ground floor façade for stories above 45 feet in height as required in the CT Zoning District per Section 14.50.170.B.1 (LAMC).
- 4) To eliminate the required electric vehicle parking requirements provided in the City’s adopted REACH Codes per Section 4.106.4.2 (LAMC) (as the same may be renumbered or amended from time to time); and

**WHEREAS**, the Applicant has requested three development waivers as follows that are at the discretion of City Council since the project is 100 percent affordable and within one-half mile of a major transit stop:

- 1) No visibility and direct access to street from the second-floor interior courtyard whereas Design Control Section 14.50.170 C (5)(a) of the CT zoning district requires for interior courtyards partially visible from the street and linked to the street by a clear accessible path of travel visibility from street and lined to the street by a clear accessible path of travel to propose no visibility pursuant to Design Control
- 2) Temporary placement of refuse and recycling containers within the public right-of-way whereas Section 14.50.060 C(2) of the CT zoning district requires separation, collection,

storage and pick-up is located in areas that minimize any negative impact on persons occupying the development site, neighboring properties, or public right-of-way.

- 3) Use of wood as a distinct base material whereas Design Control Section 14.50.170 D(4)(a) of the CT zoning district requires distinct material options of stone, brick, concrete, CMU, or stucco as the base material.

**WHEREAS**, Pursuant to Government Code Section 65915 (d)(2)(D), if the location of the project is within one-half mile of a major transit stop it is entitled to unlimited density and to receive a height increase of up to three additional stories, or 33 feet; and

**WHEREAS**, the Project is in within one-half mile of a major transit stop along El Camino Real and is seeking a height increase of 19.5 feet over the maximum allowable height of 45 feet of the CT zoning district standards; and

**WHEREAS**, on January 11, 2022, the Planning Commission and City Council held a joint design review study session on the Project where they received public testimony and provided the Applicant with preliminary architectural and site design feedback; and

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

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

**WHEREAS**, on March 3, 2022, Project has been submitted for review under the SB330 streamlining provisions which limit the number of public hearings to a maximum of five; and

**WHEREAS**, the first public hearing under SB330 review was on March 22, 2022, with the City Council for an exception to the story pole installation standards per the adopted policy and procedures; and

**WHEREAS**, on March 22, 2022, the City Council reviewed and approved a modified story pole design to comply with the city’s Story Pole policy; and

**WHEREAS**, the story pole exemption was conditionally approved for the project to require four on-site notice of development boards; and

**WHEREAS**, on May 12, 2022, five billboards for notice of development were installed on-site complying with the modified story pole approval; and

**WHEREAS**, on July 27, 2022, the City gave public notice of the Planning Commission’s and Complete Streets joint public hearing on the proposed Project by advertisement in a newspaper of general circulation; and

**WHEREAS**, on August 3, 2022, the City notified all property owners and business tenants within a 1,000-foot radius and a meeting notice was posted to the billboard sign; and

**WHEREAS**, on August 18, 2022, the Planning Commission and Complete Streets 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 Complete Streets Commission recommended Planning Commission approval of the Project and the Planning Commission recommended City Council approval of the Project; and

**WHEREAS**, on August 31, 2022, the City gave public notice of the City Council'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 a meeting notice was posted to the billboard sign; and

**WHEREAS**, on September 20, 2022 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 pursuant to the Findings and subject to the Conditions of Approval set forth in Exhibits A and B, respectively, attached hereto and incorporated by this reference.

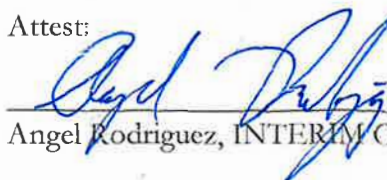
**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 20<sup>th</sup> day of September 2022 by the following vote:

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



Anita Enander, MAYOR

Attest:



Angel Rodriguez, INTERIM CITY CLERK

## **EXHIBIT A**

### **FINDINGS**

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with Section 15332 of the California Environmental Quality Act Guidelines, based on the whole record before it, including, without limitation, the analysis and conclusions set forth in the staff reports, testimony provided at the proposed Project's public hearings, and the supporting documents which includes an Initial Study completed by David J Powers (July 2022) with technical studies that include air quality, geotechnical, noise assessment, traffic assessment, Phase I environmental assessment, and an arborist report, the City Council finds and determines that the following Categorical Exemption findings can be made:
  - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation (Commercial Thoroughfare District).
  - b. The Project occurs within City limits on a site of no more than five acres that is substantially surrounded by urban uses and there is no record that the site has value as habitat for endangered, rare or threatened species.
  - c. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the completed technical studies and staff analysis contained in the agenda report and support this conclusion.
  - d. The Project has been reviewed and it is found that the site can be adequately served by all required utilities and public services.
  - e. None of the exceptions to the applicability of the categorical exemption, as specified in section 15300.2, are present.

### 2. **Design Review Permit**

Per Chapter 14.76.060 – Design Review Findings, the City Council must make the following findings to grant the Design Review Permit:

- A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.

*This finding can be made:* For reasons stated in the City Council agenda report and in the staff report for the joint meeting of the Planning Commission and Complete Streets Commission, held on August 18, 2022, the Project meets the goals, policies and objectives for the Land Use Element, Community Design, and Housing Element of the Los Altos General Plan. The Project is also consistent with the design guidelines and ordinance design criteria adopted for the Commercial Thoroughfare District with the inclusion of density bonus concessions and waivers.

- B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.

*This finding can be made.* The proposal shows architectural integrity while meeting most of the city's adopted design standards required by the CT zone. The objective design standards that are not met are requested and approved under eligible waiver and concession as found in the staff agenda report packet. The immediate area has structures that are 4-5 story tall structures, quite similar in scale and proportion to the proposed project. The relationship of this proposal with the neighboring structures and that of the recently approved projects in the area will result in harmonious buildings as envisioned in the General Plan for this zone.

- C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays, and balconies.

*The findings can be made.* The project conforms to the city's adopted objective design standards with eligible concessions and waivers as noted in the staff report. The bulk and massing have been appropriately scaled using architectural design elements such as metal screens, façade material separation into primary and secondary bays, mass timber canopy at the first floor, to articulate the human scale. The first-floor landscaping and primary façade make an inviting space to signal habitation in the amenity space while providing human scale to the five-story building. Each entrance has projecting wooden pergola elements, the pedestrian entrance is set inside. The walls are made of glass providing a visual connection between the outside and inside space enhancing the signs of habitation.

The vertical and horizontal articulation of the building mass have been articulated to reflect the provisions of the design standards for CT zone. The pedestrian entrances and vehicular entrances are distinguished using architectural elements such as a canopy and façade treatments besides doors. The building has been designed as a series of primary and secondary bay per guidelines in the objective design standards.

- 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 findings can be made.* The exterior base material mass timber, this material serves as an alternative to standard list of approved design element materials. Mass timber is a high-quality material and brings a warmth and integrity to the first floor of the building. The upper floors are primarily stucco with highlights of wood panels, metal railings, wood composite railings and white metal and vinyl windows. All facades show accents of performed metal screens which provide relief to a long façade in addition to the primary and secondary bays.

The materials above in the second thru fifth floor are alternating dark grey and light grey stucco to highlight the primary and secondary bays. Perforated metal screen breaks up large facades. Each floor has a horizontal band showing visual separation for each floor. These materials and finishes are used in the manner to reduce the bulky nature of the five-story building and are harmonious with the other structures in the immediate area.

- E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

*The findings can be made.* Landscaping is generous and inviting. The project incorporates the appropriate designed hardscape and softscape features at the lobbies and entrances to signify entry elements. The tree canopy is substantial along the main Distel Circle side as well as the side setback areas. The landscaped courtyard area includes amenities such as play mounds, waterlily balance play structure, community garden planters and gathering space with seating areas. The courtyard also has large trees in planters.

- F. Signage is designed to complement the building architecture in terms of style, materials, colors, and proportions.

*The findings can be made.* The architectural rendering indicates entrance signage which complement the building architectural style. A sign permit review is required if the project is approved, this would be a made a condition of project approval.

- 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.

*The findings can be made.* The rooftop mechanical and other mechanical equipment appear to be set inside and appropriately screened from public view using a roof screen which is consistent with the building. The Solar PV areas are set inside from the parapet line on the rooftop. These are consistent with the building architecture in form, material, and detailing.

- 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.

*The finding can be made:* The garbage room on the first floor is screened from public view and enclosed. The location and design of the service, trash and utility areas are integrated well into the building architecture and is consistent with the rest of the building with the material use and detailing.

### 3. Conditional Use Permit

To grant Conditional Use Permit UP19-001, the City Council must find the following in accordance with Chapter 14.80.060 of the LAMC:

- A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare.

*This finding can be made:* The proposed multi-family residential building is envisioned as a conditional use in the General Plan and has been reviewed and conditioned for approval for health and safety and environmental considerations. Based upon the technical reports and the categorical infill exemption for the project, there is evidence that the project will have no significant impact on the surrounding community. The project will enhance the affordable housing stock and make available more homes to enhance comfort, prosperity, and welfare of the community, furthering the City's housing goals.

- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title;

*This finding can be made.* The project is categorically exempt from detailed environmental impact study as an infill project and it will meet many of the goals and objectives of the General Plan and complies with the City's inclusionary housing requirements. Pursuant with State Density Bonus requirements, the project request and complies with the density bonus and avails additional height increase and parking reduction standards while seeking qualifiable concessions because it complies with required affordable housing standards. It meets all the City's design policies and objectives, as set forth above with respect to the Design Review Permit findings. Notwithstanding the requested concessions and waivers, the project complies with all the objectives set forth in Section 14.02.020 of the Los Altos Municipal Code.

- C. That the proposed location of the conditional use, under the circumstances of the particular case, 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.

*This finding can be made.* Because the project is categorically exempt as an infill project, the development of a housing project at 330 Distel Circle will not be detrimental to the health and safety, comfort, convenience, prosperity or welfare of persons residing or working in the vicinity to property or improvement in the vicinity.

- D. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02;

*This finding can be made.* Notwithstanding the density bonus concessions, waivers and approvals which is consistent with State Law, the proposed conditional use of a multi-family residential project complies with the regulations prescribed for the CT district as detailed in the staff report analysis and development standards Table 1.

## Exhibit B

### CONDITIONS OF APPROVAL

#### GENERAL

##### 1) Approved Plans

The project shall be developed in substantial compliance with the design plans submitted as part of the Los Altos planning application D22-0002 on June 3, 2022, and the support materials and technical reports, except as modified by these conditions and as specified below:

- a) The conditions of approval shall be incorporated into the building permit plans and shall be referenced in the Sheet Index.
- b) The bike parking room shall have electrical outlets for the residents use for electric biking charging.
- c) Loading spaces shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be always maintained by the property owner/tenant in a clear and visible manner.
- d) The applicant shall "red-curb" and provide necessary signage to the satisfaction of the City Engineering Division to prohibit street parking approximately 40 feet to the south and 35 feet to the north of the project driveway. This is to provide adequate sight distance for exiting drivers at the driveway to see the oncoming traffic along Distel Circle. The project driveway also should be free and clear of any obstructions such as shrubs or other landscape features to optimize sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles on Distel Circle.
- e) Minimum 7 feet deep parking pits shall be provided to accommodate the height of a design vehicle.
- f) The applicant shall work with the City and Mission Trail Waste Systems to design a plan for waste collection service.
- g) To the extent possible, the applicant shall work with the city to obtain outside financing for the installation of electric vehicle charging systems and shall install additional Level 2 electric vehicle (EV) chargers and other associated improvements to support more EV charging than what is currently proposed in the approved plans to the extent possible and feasible with the additional financing.
- h) Prior to the Building Permit(s) application, the applicant shall coordinate with the Development Services Director or their designee to obtain approval of the final proposed design elevations and construction documents which shall be in substantial compliance with the renderings presented by the applicant at the September 20, 2022 City Council public



hearing. To the extent feasible, the west elevation (rear elevation) shall incorporate balconies as shown in the design plans contained in the published agenda report (Item 10, Attachment 7).

## **2) Affordable Housing**

- a) The applicant shall offer the City eighty-eight (88) below market rate rental units as follows:
  - i) Extremely low-income at 30% AMI: Forty-five units or fifty one percent
  - ii) Very low-income at 50% AMI: Twelve units or thirteen percent
  - iii) Low-income at 60% and 80% AMI: Thirty-one units or thirty five percent
- b) In addition to the eighty-eight units detailed above, two units shall be reserved for manager units and are not required to be income restricted for a total of ninety units.
- c) To the extent legally possible, the applicant shall incorporate the existing city policy for prioritizing individuals into the below market rate unit rental application process.

## **3) Impact Fee Waiver for Affordable Housing Project**

The Memorandum of Understanding (MOU) executed on January 28, 2021, between the City of Los Altos and County of Santa Clara includes a discount of 100% of the City's impact fees for traffic impact fees and for park in-lieu fees. Therefore, no such fees will be charged for the Project.

## **4) Americans with Disabilities Act**

All improvements shall comply with Americans with Disabilities Act (ADA) and other applicable disability access laws. The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.

## **5) Signage Permit – City of Los Altos**

Prior to the issuance of the building permit, the applicant shall apply and get approval for a detailed signage permit from the Planning Division. The signage package is required to comply with provisions of LAMC 14.68.4.1. Adequate signage shall be provided that directs delivery vehicles to the loading space in the garage.

## **6) Diesel Generator Prohibition**

Diesel powered electric generators are prohibited for any purpose in this project.

## **7) Indemnity and Hold Harmless**

The applicant/property 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. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

**8) Tree Preservation Guidelines**

All recommendations for tree preservation, pre-construction treatments and tree-protection during construction that are listed on page 7-9 of the arborist report are required conditions of approval for this project. The listed recommendation will need to be printed on the first page of the building plan set in addition to these COA's.

**9) 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.

**10) Public Utilities**

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

**11) Municipal Regional Stormwater Permit**

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

**12) Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed. All existing unused sewer laterals shall be abandoned according to the City Standards, cut and cap 12" away from the main.

**13) 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.

**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 Storm Water Management Plan (SWMP) shall be shown on the building plans.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

**16) Affordable Housing Agreement**

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Development Services Director and the City Attorney with eighty-eight (88) below market rate units as detailed on Condition No. 2, for a period of at least 99 years.

**17) Santa Clara County Fire Department Review**

The project shall comply with all Santa Clara County Fire Department standards including but not limited to the comments and conditions provided in the Fire Department Development Review Comment letter dated July 11, 2022. A formal review of the building permit plans will be completed after submittal of the building permit application and a complete set of building permit design plans.

**18) Public Utility Dedication**

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

**19) Payment of Fees**

The applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees as required by the City of Los Altos Municipal Code.

**20) 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.

**21) 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.

**22) Grading and Drainage Plan**

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

**23) Sewage Capacity Study**

The applicant shall submit calculations showing that the City's existing sewer line will not exceed two-thirds full due to the project's sewer loads. Calculations shall include the 6" main from the end of the main on Distel Circle to the point where it connects to the 8" sewer line on El Camino Real and along El Camino Real to Jordan Avenue. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall replace the 6" sewer line with an 8" sewer line, and 8" sewer line with a 12" sewer line. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall replace the sewer line with a larger sewer line.

**24) 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 regards to how

construction vehicle parking will be managed to minimize impacts on nearby residential and commercial properties. Sidewalks, parking and travel lanes along Distel Circle shall not be closed for the full duration of the project. Closures will be reviewed and approved with Encroachment Permit submittals.

**25) Solid Waste Ordinance Compliance**

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

**26) 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 refuse company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

**27) Acoustical Report**

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

**PRIOR TO OCCUPANCY**

**28) Landscape and Irrigation Installation**

All on- and off-site landscaping and irrigation shall be installed and approved by the Development Services Director and the City Engineer or their designees. 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.

**29) Sidewalk in Public Right-of-Way**

The Applicant shall remove and replace entire sidewalk and curb and gutter along the project frontage of Distel Circle as directed by the City Engineer. All sidewalks in the public right-of-way shall be City Standard concrete sidewalks.

**30) New ADA Ramps and Crosswalks**

The applicant shall provide two (2) new ADA ramps per the City standards. Two ADA ramps shall be installed at the new driveway approach on Distel Circle.

**31) Micro-surfacing Distel Circle**

The applicant shall install micro-surfacing treatment up to half the width of Distel Circle along the project frontage.

**32) Parking Stall and Red Curb Striping**

The applicant shall install parking stall striping and red curb along the project frontage of Distel Circle as directed by the City Engineer or his designee.

**33) 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 project frontage of Distel Circle if determined to be damaged during construction, as directed by the City Engineer or his designee.

**34) Maintenance Bond**

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

**35) 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.

**36) 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.

**37) Prevailing Wages**

All improvements to infrastructure in the public right of way required by these conditions of approval shall be subject to payment of prevailing wages, as required by Labor Code Section 1720, et seq.