



PUBLIC HEARING

Agenda Item # 3

COMPLETE STREETS AND PLANNING COMMISSION AGENDA REPORT

Meeting Date: December 2, 2021

Subject: 355,365,371,373 First Street Project
Joint Planning Commission/Complete Streets Commission Meeting
(VTTM 21-001; DR 21-0003)

Prepared by: Guido F. Persicone, Planning Services Manager, AICP

Reviewed by: Jon Biggs, Community Development Director
Erik Ramakrishnan, City Attorney's Office
Jolie Houston, City Attorney

Project Resolution

Exhibits

A-Findings of Fact

B-Conditions of Approval

Attachment(s):

Attachment 1-Jon Baer Correspondence dated, January 12, 2021

Attachment 2-January 21, 2021 Planning Commission Meeting Minutes

Attachment 3-Density Bonus Report

Attachment 4-Elevator Shaft Details

Attachment 5-Larry Cannon, Peer Review of Architecture

Attachment 6- CEQA Document-Mitigated Negative Declaration

Attachment 7-Arborist Report

Attachment 8-Project Vicinity and Notification Maps

Attachment 9-Story Pole Certification Letter

Attachment 10-Project Plans

Recommendation:

Recommend approval to the City Council of the fifty (50) unit condominium project at 355 First Street.

Environmental Review:

A mitigated negative declaration (MND) has been prepared for this project and is included with this report as Attachment 6.

Background

Senate Bill 330 (SB 330)



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Pre-Application Phase

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and became effective January 1, 2020. The bill establishes a statewide housing emergency to be in effect until January 1, 2025. The Housing Crisis Act allows for an applicant to submit a preliminary application for any housing development project, meaning a project of two or more units and that is at least two-thirds residential by floor area. SB 330 has two key phases: a pre application phase and a formal submittal phase. The purpose of the pre-application phase is to collect specific site and project information to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process. The day the pre-application is filed with the City freezes site development and design standards plus other land use related regulations that can be imposed on the project. Additionally, under the provisions of the legislation, the City can only ask for certain information during the pre-application phase. Other design requirements can be asked for during the formal submittal. This provides some guarantees to the applicant that the “rules of the road” will not be changed mid-stream. During the pre-application phase the City can undertake its normal community outreach by having study sessions, and community meetings.

Formal Submittal Phase of SB 330

The applicant shall submit a formal application for a development project within 180 calendar days of submitting a complete preliminary application. If the City determines that the application for the development project is not complete, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90- day period, then the preliminary application shall expire and have no further force or effect. Additionally, during the “formal submittal” phase the City is only allowed to require five public meetings. The legislation was written very broadly to include community meetings and study sessions in this definition. The City also must account for any potential appeals, which count toward the five meeting maximum.

Project Timeline

October 13, 2020-the Planning Division received a preliminary application for an SB 330 project at 355 First Street. Fees were paid on October 16, 2020. This project was for 35 condominium units.

December 22, 2020-a revised preliminary application for 50 condominium units was submitted. Since this represented more than a 20% increase in the number of units provided, under the



Subject: 355 First Street-SB 330 Project-50 Condominium Units

provisions of Government Code Section 65941.1, the preliminary application is deemed submitted on December 22, 2020, rather than October 13, 2020.

On January 11, 2021, a virtual community meeting took place with property owners and tenants within 1,000 feet of the property. Only one community member attended (Jon Baer) and his comments are included as Attachment 1.

January 21, 2021-a study session with the Planning Commission occurred. The project shown to the Planning Commission identified a total of 8 affordable units (7 moderate and 1 low-income unit) with a base density of 37 units for the project. Please refer to Attachment 2 for comments made by the commission at this meeting.¹

February 24, 2021-a study session with the Complete Streets Commission (CSC) occurred. Please refer to the CSC portion of this report for a detailed summary of the recommended changes requested per the CSC.

On April 7, 2021-project application was filed under the formal submittal phase of SB 330.

July 20, 2021, the applicant resubmitted the project application.

September 10, 2021 the applicant resubmitted the project application. This project shows a base density of 37 units of which six (6) would be affordable (5 very low 1 moderate income).

October 15, 2021-The project is deemed complete, and the Fire Department provides a conditional approval letter.

November 12, 2021-the applicant resubmits the final set of plans for the public hearing showing 39 units as the base density with 6 affordable (3 moderate and 3 very low-income units).

Project Description

The applicant is seeking approval of a design review permit and a tentative map for a new development at 355 First Street. The applicant is proposing a fifty (50) unit condominium project with six (6) dedicated below market rate units with three (3) at the moderate-income level and

¹ January 21, 2021 Planning Commission plans:

https://los-altos.granicus.com/MetaViewer.php?view_id=&event_id=626&meta_id=67738



Subject: 355 First Street-SB 330 Project-50 Condominium Units

three (3) at the very low-income level.² Since the project is providing 8% of the units at the very low-income level, it qualifies for one (1) density bonus concession / incentive.

While 355 First Street is the primary address for the project, the project does entail four separate parcels at 355, 365, 371, 373, which will have to be merged and then re-subdivided for the condominium units as part of the tentative map process. The project is generally consistent with the Los Altos Zoning Code (see Table 1) with a few key exceptions.

Table 1 (General Development Standards)			
	Standard	Proposed	Complies
General Plan	Downtown Commercial	No change	Yes
Zoning	CD R3	No change	Yes
Density	No density range in the CD/R3 Zone	50 condo units	Yes
Lot Size	27,811	No change	Yes
Front Setback	10 ft. 50% landscaped	10 ft. 50% landscaped	Yes
Rear Setback	10 ft.	10 ft.	Yes
Interior Setback	0 ft.	4 ft.	Yes
Street Side Setback	2 ft.	2 ft.	Yes
Enclosed Refuse collection	Yes-sheet A2	Yes	Yes-sheet A2
Bicycle Parking	1 Class I (Bike Locker) for every 3 units and 1 Class II (Bike Rack)	1 Class I (Bike Locker)-sheet and 1 Class II (Bike Rack ³)	Yes-sheet A1

² Please note the Density Bonus charts in the Los Altos Ordinance need to be updated to reflect recent changes to density bonus law. If a local ordinance and the State Density Bonus conflict, the State law prevails.

³ Class I (bike locker) must be provided for every 3 units and a 1 Class II (bicycle rack) must be provided for every 15 units. See sheet A1.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Height	35 feet	46 feet-building 63 feet-elevator shaft	<u>Yes- with density bonus concession and waivers</u>
Parking	113	99-regular spaces 12-reduced size spaces -111	<u>Yes-with density bonus reduction</u>

Inclusionary Housing Ordinance

Pursuant to the Los Altos Inclusionary Housing Ordinance (Los Altos Municipal Code Section 14.28.020), 15% of all units shall be affordable with a majority of the units at the moderate-income level with the remainder being low or very low-income units.

All multiple-family residential projects that create five or more new dwelling units shall provide affordable housing as follows:

- A. For projects with five to nine units, affordable housing units shall be provided as follows:*
- 2. Ownership units. Fifteen (15) percent total, with a majority of the units designated as affordable at the moderate-income level and the remaining units designated as affordable at the low- or very-low-income level.*

With a base density of 39 units, at least 15% of the units or six (6) shall be affordable with at least four (4) at the moderate-income level.⁴ The applicant contends mandating that the majority of the units be at the moderate-income level violates the spirit of Density Bonus Law and proposes to provide half of the units as moderate and the other half as very low-income units.

The City Attorney has opined that the Los Altos Affordable Housing Ordinance is legally valid and can be enforced. To resolve the parties’ disagreement informally, the City and the applicant have jointly applied to the California Department of Housing and Community Development (State HCD) for technical assistance. Condition of Approval COA #13 has been crafted to require compliance with the City’s inclusionary standards, pending HCD’s response:

The applicant proposes to provide three moderate-income units and three very low income units. Four moderate-income units are required to comply with the City’s Inclusionary

⁴ Consistent with the City’s historic interpretation of its Inclusionary Housing Ordinance, this is based upon the project’s base density. In zoning districts that do not define a maximum density, the City requires the applicant to submit a base project that complies with applicable development standards to establish the base density for purposes of both the Inclusionary Housing Ordinance and the Density Bonus Law.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Housing Ordinance, Los Altos Municipal Code Section 14.28.020. The project is recommended for approval conditioned upon meeting this minimum requirement to provide four moderate-income units. This condition does not alter or affect the number of very low-income units that the project will provide to qualify for the density bonus sought by the applicant. The applicant and the City disagree as to the application of the Inclusionary Housing Ordinance to the project and have jointly requested technical assistance from the California Department of Housing and Community Development (“HCD”). Staff is authorized to amend this condition administratively if necessary to be consistent with any opinion HCD may provide. This issue shall be resolved prior to the recordation of the Final Map.

Density Bonus Calculation

Based upon the applicant proposing three (3) very low-income units, the project is eligible for a density bonus of 11 units.

Density Bonus Concession

The applicant is requesting one density bonus concession to increase the height from 35 feet to 46 feet. The height increase would be considered an “on menu” concession request, which are ministerial, unless the City makes one of the following findings:

- The concession or incentive does not result in identifiable and actual cost reductions, consistent with the definition of "concession" or "incentive", to provide for affordable housing costs, as defined in Health & Safety Section 50052.5, or for rents for the targeted units to be set as specified in Subsection (I).
- The concession or incentive would have a specific, adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households
- The concession or incentive would be contrary to state or federal law.

Since none of the density bonus findings above can be made, City staff are recommending approval of the concession.

Density Bonus Waiver

In addition to requesting incentives and concessions, applicants may request the waiver of an unlimited number of development standards that would physically preclude the construction of a



Subject: 355 First Street-SB 330 Project-50 Condominium Units

project with the density bonus and the incentives or concessions to which the development is entitled, per Government Code Section 65915(e)(1), which reads:

Government Code Section 65915 (e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit.

Density Bonus Waiver #1

Applicant is requesting a waiver of the development standard set forth in LAMC Sec. 14.74.200(A) which requires that perpendicular parking spaces in off-street parking facilities must have a width of no less than nine (9) feet. Based on information provided by the project architect, to provide the amount of parking proposed by the Project, the width of twelve (12) of the parking spaces was reduced to 8.5 feet x 18feet.

Density Bonus Waiver #2

Applicant is requesting a waiver to allow for a building height to allow the elevator to be 17 feet six inches when the code prohibits roof top structures taller than 12 feet in height. Based on information provided by the architect for the Project, an elevator shaft is necessary to comply with accessibility standards please see Attachments 3-(Density Bonus Report) and Attachment 4 (Elevator Shaft Details) for further details.

Density Bonus and Parking

Under the provisions of Density Bonus law, the project is entitled to reduced parking ratios and is only required to provide 70 parking spaces. The project proposes to exceed this requirement by providing 111 total spaces (99 regular sizes stalls (9X18 in size) and 12 reduced spaces (8.5 X18).



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Table 2-Density Bonus Parking Ratios

	Units	Density Bonus Parking Ratios	Total Required Parking
Bedroom Count			
3 Bedrooms	11	1.5	16.5
Two Bedrooms	30	1.5	45
1 Bedrooms	9	1	8
	50		69.5 (70)

Construction Management Plan (CMP)

Sheet CM1.0 (Construction Management Plan) to this report shows the applicant's plans for managing the construction of the project. Additionally, COA#XX has been written to mandate a pre-construction meeting (after issuance of the building permit but prior to any work being performed), with abutting property owners. Additionally, a sign shall be installed with a single point of contact (POC) the neighborhood can quickly contact to address any construction impacts from the project.

Subdivision

As outlined above, the Project conforms to the General Plan and meets all applicable Zoning Code requirements, albeit with Density Bonus waivers and concessions as allowed by state law. The subdivision is not injurious to public health and safety, is suitable for the proposed type of development, and provides proper access easements for ingress, egress, public utilities and public services. Therefore, all required findings per the State Subdivision Map Act can be made.

Design Controls and Finding

The project's design is consistent with the Commercial/Multi-Family design review findings (Section 14.78.060) and the CD/R3 Design Controls (Section 14.52.110) as well as all other applicable policies and regulations. The exterior material combines stone textured panels with El Dorado Stone patio walls and a wood look upper roof overhang with a mix of horizontal and vertical siding on multiple floors, each defining a building element. The colors have been selected to provide a distinct separation of units while being complementary to each other and the neighborhood. The colors also provide a visual breakup of massing of the building. In addition to meeting the design controls and findings of the Los Altos Municipal Code, a peer



Subject: 355 First Street-SB 330 Project-50 Condominium Units

review of the architecture was performed by Larry Cannon and Associates (see Attachment 5):⁵

Table 3-Peer Review Summary	
Third Party Review	Project Modification
Set back the fourth floor	A continuous horizontal band wrapping all sides of the building at the top of the third floor was incorporated to differentiate the fourth floor from the lower three. Balconies step back the fourth floor. Wall planes are varied at the fourth floor to pull it back from the third floor
Enhance the ground floor	Project provides new sidewalk along First Street and Whitney Street with street trees, benches, bicycle racks, and extensive landscape planters, all of which contributes to an enjoyable walking experience for people headed down-town. Landscape design has extensive landscape planters along First Street enriching the 10 feet setback / buffer zone between the sidewalk and the building. Planters were stepped to provide a softer, human-scale, residential look.
Modify the corners and trellis of the building	All corners have been reviewed and designed with materials and forms wrapping the corners. Attention given to the First / Whitney Street corner. Continue to develop 2-story pedestrian-detailed and scaled building element at corner of First and Whitney. Eliminate vertical commercial storefront windows at corner of First and Whitney Street, and replace with residential windows. Eliminate continuous 4-story vertical wall on Whitney. Extend the 2-story element further down Whitney.
Garage Entries-the currently proposed facades related to the garage entry would benefit from some additional design attention	Garage entry is clad in stone-textured paneling to have a finished appearance. Garage entry element has been integrated into the design composition of the rear elevation to minimize it as a focal point. Wood cladding added to stair tower to accentuate and

⁵ On May 24, 2016 the Downtown Building Committee recommended to the City Council that outside third party architecture firms should conduct a third party review for projects in the downtown area.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

	draw attention to the vertical circulation of the building.
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Finally, in terms of the Multi Family Objective Standards adopted by the City Council on September 14, 2021, those new standards would not apply since the pre application was filed in December of 2020.

California Environmental Quality Act (CEQA)

On November 2, 2021 a Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk for a twenty (20) day comment period. No comments were received for this project and the environmental document indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (the City of Los Altos) that the project, with mitigation measures incorporated, may have a significant effect on the environment. Please review Attachment 6 (Mitigated Negative Declaration) for further details.

Complete Streets Commission

Per Section 2.08.160 of the Los Altos Municipal Code the Complete Streets Commission (CSC) is an advisory body to the City Council on bicycle, pedestrian, parking, and traffic matters.

2.08.160 - Powers and duties of the complete streets commission.

- A. Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries.
- B. Shall advise the council on existing and proposed city policies related to traffic calming and traffic enforcement.
- C. Shall advise the council on projects and budget priorities for transportation-related capital improvements.
- D. Provide for community engagement and serve as a conduit for community input.

As a result, and per 14.78.090 of the Los Altos Municipal Code, City staff and the applicant attended a study session with the applicant on February 24, 2021. Formal meeting minutes are not available for this meeting, but below is a summary of the major items discussed and how the project has been modified accordingly:



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Table 4-Complete Streets Commission CSC Input	
CSC Comments	Applicant's Response
Enhance back-alley access	The alley was enhanced with further raised planters and the exit was enhanced with a raised walkway.
Additional bicycle parking	Bicycle parking above the required has been provided. As we develop the utilities for the project more space may be available.
Additional EV Charging station	An EV Charging Station has been provided for every unit
Examine streetscape on First Street	Numerous design revisions have been made to the project including the building design and the landscape.

Summary of the Traffic Impact Analysis

The addition of project trips would not adversely affect traffic operations at the intersection because these trips would not increase the average delay at the intersection by more than 4 seconds. The eastbound movement at the San Antonio Road & Whitney Street/Pepper Drive intersection would also operate at an unacceptable level of service during the PM peak hour. Similarly, the addition of project generated trips would not adversely affect traffic operations at the intersection.

The VTA VMT Evaluation Tool indicates that residential projects located within the project's transportation analysis zone (TAZ) would generate 7.08 VMT/capita. Similarly, the tool finds that the proposed project is projected to generate 6.37 VMT per capita. Since the proposed project's estimated VMT per capita of 6.37 is lower than the significance threshold of 10.39 VMT per capita, the project would have a less than significant impact of vehicle miles traveled. Please review the TIA within the Mitigated Negative Declaration for additional traffic related details.

Transit Stop

The closest bus stop is located approximately 0.3 mile from the subject site at the corner of Lyell and San Antonio which is considered an acceptable walking distance. Local VTA route 40 provides service between Foothill College in Los Altos Hills and La Avenida Street in Mountain View via San Antonio Road, Lyell Street and First Street.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Bicycle and Pedestrian

As recommended by the VTA guidelines, the project will be required to provide a minimum of 1 Class I (bike locker) must be provided for every 3 units and a 1 Class II (bicycle rack) must be provided for every 15 units. This equates to 17 Class I spaces and 4 Class II spaces. The applicant is providing 34 Class I and 6 Class II spaces, exceeding the standards. See sheet A08 of the submitted plans for details. If approved by the City Council, the applicant will be required to improve the sidewalk along First and Whitney so there is an accessible path of travel per the American's with Disabilities Act (ADA).

Los Altos General Plan Conformance

- | | |
|-------------------------------|--|
| Housing Element Policy 2.1: | The City will maintain zoning that provides for a range of housing sizes and residential densities. |
| Housing Element Goal 4: | Allow a variety of housing densities and types in appropriate locations to accommodate housing needs at all income categories. |
| Housing Element Program 4.3.4 | Continue to encourage maximum densities. |

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve design review and subdivision applications (VTTM 19-003; DR 19-007) subject to the recommended findings and conditions



Subject: 355 First Street-SB 330 Project-50 Condominium Units

RESOLUTION NO. 2021-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A DESIGN REVIEW AND SUBDIVISION APPLICATION FOR A NEW
FIFTY UNIT MULTIPLE-FAMILY CONDOMINIUM PROJECT AT 355 FIRST
STREET AND A MITIGATED NEGATIVE DECLARATION**

WHEREAS, the City of Los Altos received a development application from DeNardi Wang Homes for a new a fifty unit, multiple-family project, which includes design review and subdivision applications (VTTM 21-001; DR 21-0003), referred herein as the “Project”; and

WHEREAS, the design permit and subdivision application were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning Commission and the Complete Streets Commission held duly noticed joint public hearings on the Project on December 2, 2021 and December 16, 2021, at which all public comment was duly considered and it voted to recommended approval of the project to the City Council; and

WHEREAS, the City Council held a duly noticed public meeting on the Project on February 8, 2022 and February 22, 2022 at which all public comment were duly considered; and

WHEREAS, the applicant the City of Los Altos are seeking technical assistance from the California Department of Housing and Community Development (State HCD) regarding the City’s Inclusionary Housing Ordinance; and

WHEREAS, an Initial Study for the Project has been completed pursuant to CEQA which identifies potentially significant effects on the environment which would result from the Project, and concludes that these impacts can be avoided or reduced to a level of insignificance with adoption and implementation of certain mitigation measures therein identified and listed; and

WHEREAS, based on this Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared in accordance with CEQA, which finds that anypotentially significant environmental effects of the proposed project would be



Subject: 355 First Street-SB 330 Project-50 Condominium Units

sufficiently mitigated to a level of insignificance with implementation of mitigation measures specified therein; a complete copy of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and all supporting exhibits and documents are on file and can be viewed at the City office; and

WHEREAS, the City published a Notice of Intent of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project on November 2, 2021, which started a 20-day public review period. The notice was posted at the City office, the County Clerk, on the City website, published in the Town Crier and sent to all property owners and tenants within 1,000 feet of the project, and all interested persons; and

WHEREAS, at its February 8th and February 22nd 2022 meetings the City Council reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project, any comments received to-date and the responses prepared, invited additional comments from the public, and intends to take actions on the Project in compliance with CEQA and its guidelines; and

WHEREAS, the City Council conducted its own independent analysis of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and determined that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were appropriate as there is substantial evidence the Project would not result in any significant environmental impacts and the mitigated negative declaration reflects the District's independent judgment and analysis; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision 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 of approval attached hereto as Exhibit "A (Findings) and Exhibit B (Conditions of Approval) and incorporated by this reference.

1. The recitals set forth above are held to be true and correct and, by this reference, are hereupon incorporated as findings.
2. The City Council has independently reviewed, analyzed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and the whole record before it (including the Initial Study and any comments received) and based on the



Subject: 355 First Street-SB 330 Project-50 Condominium Units

foregoing, the City Council hereby finds that all environmental impacts of the Project with mitigation measures are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.

3. The City Council find the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been completed in compliance with CEQA and consistent the State of California Guidelines for the Implementation of the California Environmental Quality Act.

4. The City Council finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan represents the independent judgment and analysis of the District as the lead agency for the Project.

5. The City Council further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan is adequate to serve the required CEQA environmental documentation for the Project and hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.

6. The City Clerk is the custodian of the records of the proceedings on which this decision is based. The records are located at 1 North San Antonio Road, Los Altos, CA 94022

7. The City Council directs staff to file a notice of determination with the County of Santa Clara within five (5) working days of adoption of this resolution.

8. The applicant proposes to provide three moderate-income units. Four moderate-income units are required to comply with the City's Inclusionary Housing Ordinance, Los Altos Municipal Code Section 14.28.020. The project is approved conditioned upon meeting this minimum requirement to provide four moderate-income units. This condition does not alter or affect the number of very low-income units that the project will provide to qualify for the density bonus sought by the applicant. The applicant and the City disagree as to the application of the Inclusionary Housing Ordinance to the project and have jointly requested technical assistance from the California Department of Housing and Community Development ("HCD"). Staff is authorized to amend this condition administratively if necessary to be consistent with any opinion HCD may provide.

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 February 22, 2022 by the following vote:



Subject: 355 First Street-SB 330 Project-50 Condominium Units

AYES:

NOES:

ABSENT:

ABSTAIN:

Anita Enander, MAYOR

Attest:

Andrea M. Chelemengos , CMC, CITY CLERK



Subject: 355 First Street-SB 330 Project-50 Condominium Units

EXHIBIT A-FINDINGS

(VTTM 21-001; DR 21-003)-355 First Street

1. With regard to environmental review, the City Council has independently reviewed, analyzed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and the whole record before it (including the Initial Study and any comments received) and based on the foregoing, the City Council hereby finds that all environmental impacts of the Project with mitigation measures are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.
2. The City Council find the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been completed in compliance with CEQA and consistent the State of California Guidelines for the Implementation of the California Environmental Quality Act.
3. With regard to the new fifty-unit multiple-family structure, the City Council finding 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, and CD/R3 Zone District design criteria because it is providing fifty new multiple-family residential condominium units in a multiple-family district, 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. 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. The residential projects incorporate elements that signal habitation such as identifiable entrances, stairs, porches, bays and balconies.
 - 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.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

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.

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

g. The exterior mechanical equipment, which is located in alcoves and within the fenced private areas, is screened from public view and the fencing is consistent with the building architecture in form, material and detailing; and

h. The service, trash and utility areas are located behind fences, recessed in alcoves or 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.

2. With regard to the fifty-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 and does not exceed the maximum density for the land use designation;

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 multiple-family character of the neighborhood and is located on a site for which all public utilities are available; and



Subject: 355 First Street-SB 330 Project-50 Condominium Units

e. The design of the subdivision will not conflict with access easements since there are not any existing access easements that are on or adjacent to the site.

3. Density Bonus Findings. With regard to the offered below market rate units and requested parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.040, as follows:

- a) The applicant is offering three very low-income unit and three moderate income units for sale, which qualifies the project for additional waivers and incentives
- b) Per Table DB 2 in Los Altos Municipal Code Section 14.28.040, a project that includes eight percent or more of its total units as very low income restricted affordable units shall be granted one (1) incentive. The applicant will be requesting one density bonus concession to increase the height from 35 feet to 46 feet. Evidence has not been presented which supports other findings for denial of the requested incentives. The height and the setback incentives are considered an “on-menu” incentive per Section 14.28.040(f) Incentive Standards and, therefore, the City has determined that the incentive would not have a specific adverse impact upon public health and safety or the physical environment or upon a listed historical resource.
- c) Per Section 14.28.040(H)(1), a project can request a waiver or reduction of development standards that have the effect of physically precluding the construction of a development in addition to the development incentive permitted by the Municipal Code. Consistent with these requirements, the applicant is requesting a waiver to allow for a building height of up to sixty-three (63)feet and four and a half (4.5) inches where the development standard set forth in LAMC Sec.14.66.240(F) requires that an enclosed roof structure housing the elevator for the proposed residential building that provides access to the roof top be limited to twelve (12) feet in height. Based on findings by the architect for the Project, the elevator housing on the roof deck cannot be constructed unless it is approximately seventeen (17) feet and six (6) inches in height, and an elevator shaft is necessary to comply with accessibility standards. The Council determined the waivers are supported by the fact that the implementation of the standards physically precludes the construction of the development and evidence has not been presented that the waivers will have a specific, adverse impact upon health, safety, or the physical environment, or an adverse impact on any listed historic resource or will be contrary to state or federal law.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

4. Non-compliance with 14.28.020:
 - a. Applicant is required to provide at least four moderate and two LI/VLI units. Applicant proposes only three moderate units. In City's view, the project does not meet the standard. Parties are jointly requesting technical assistance from HCD. The project has been conditioned on providing a fourth MI unit. Per COA No. 13 under the General Conditions of Approval set forth in Exhibit B of this Resolution, the applicant shall provide 4 moderate units unless HCD agrees with the applicant's interpretation of the law.



Subject: 355 First Street-SB 330 Project-50 Condominium Units

EXHIBIT B-CONDITIONS

GENERAL

1. Approved Plans

Project approval is based upon the plans received on November 12, 2021 except as modified by these conditions.

2. Indemnity and Hold Harmless

Applicants shall sign a letter submitted prior to the issuance of building permits, agreeing to hold harmless the City for any actions related to the permit. The letter shall include the following verbiage: 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. 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.

3. 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.

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. 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.

6. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA). Latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.

7. Sewer Lateral



Subject: 355 First Street-SB 330 Project-50 Condominium Units

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.

8. 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.

9. Pollution Prevention

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

10. 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.

11. Civil Engineering Drawings

The applicant shall submit civil engineering drawings that show property lines with bearing and easements.

12. Affordable Housing Agreement

Prior to the issuance of building permits 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 six (6) below market rate unit, for a period of at least 55 years. The below market rate unit shall be at the low-income level 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. This issue shall be resolved prior to the recordation of the Final Map.

13. Request for State Technical Assistance

The applicant proposes to provide three moderate-income units and three very low income units. Four moderate-income units are required to comply with the City’s Inclusionary



Subject: 355 First Street-SB 330 Project-50 Condominium Units

Housing Ordinance, Los Altos Municipal Code Section 14.28.020. The project is approved conditioned upon meeting this minimum requirement to provide four moderate-income units. This condition does not alter or affect the number of very low-income units that the project will provide to qualify for the density bonus sought by the applicant. The applicant and the City disagree as to the application of the Inclusionary Housing Ordinance to the project and have jointly requested technical assistance from the California Department of Housing and Community Development (“HCD”). Staff is authorized to amend this condition administratively if necessary to be consistent with any opinion HCD may provide.

PRIOR TO FINAL MAP RECORDATION

14. Public Access Easement Dedication

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

- a. An easement of two feet along the rear alley for use as a public right-of-way; and
- b. An easement of one foot along the First Street frontage to allow for pedestrian access.
- c. If tree wells are approved by Planning Department, Pedestrian Access Easement along First Street shall be wide enough to allow proper ADA clearances.

15. Public Utility Dedication

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

16. Subdivision Agreement

The applicant shall sign and return Subdivision Improvement Agreement to the City for records and recordation prior to the recordation of the Final Map.

PRIOR TO ISSUANCE OF BUILDING PERMIT

17. 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.

18. Payment of Fees

Prior to the issuance of building permits, the applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees, parkland dedication in lieu fees,



Subject: 355 First Street-SB 330 Project-50 Condominium Units

traffic 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 the building permit.

19. Downtown Decorated Lights

The applicant shall insure the design of total of two new Downtown Decorated light fixtures along First Street and Whitney Street as directed by the City Engineer.

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 Department.

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 front of the property to the point where it connects to the 8" sewer line on San Antonio Rd. 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. 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



Subject: 355 First Street-SB 330 Project-50 Condominium Units

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 single-family neighborhoods. Sidewalks, parking and travel lanes along First Street and Whitney Street shall not be closed for the full duration of the project. Closures will be reviewed and approved with Encroachment Permit submittals. The applicant shall be required to have a pre-construction meeting with all abutting property owners to discuss the project schedule and to prominently display a sign with the single point of contact the community should interface with for any construction related impacts from the project.

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. Fire Approval

Prior to the issuance of building permits the applicant shall receive approval from the Fire Department for the project.

27. Solid Waste and Recyclables Disposal Plan

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

PRIOR TO FINAL OCCUPANCY

28. Condominium Map



Subject: 355 First Street-SB 330 Project-50 Condominium Units

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

29. 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.

30. Watch for Pedestrians Sign

The applicant shall install a “watch for pedestrians” sign at the top of the underground parking garage driveway ramp.

31. Sidewalk in Public Right-of-Way

The Applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street and Whitney Street as directed by the City Engineer. All sidewalks in the public right-of-way shall be City Standard concrete sidewalks. The applicant shall remove existing driveway on Whitney Street and replace it with standard curb and gutter. The applicant shall extend sidewalk on Whitney Street from 330 2nd Street property to the alley, and install new driveway approach at the back of 330 2nd Street.

32. New ADA Ramps and Crosswalks

The applicant shall provide two new ADA ramps and crosswalk stripping per the City standards on the northeast and southeast corner of the intersection with First Street and Whitney Street. The applicant shall install new ADA ramps as necessary at the sidewalk extension along Whitney Street.

33. Parking Stall and Red Curb Striping

The applicant shall install parking stall striping and red curb on First Street and Whitney Street as directed by the City Engineer or his designee.

34. Public Infrastructure Repairs

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



Subject: 355 First Street-SB 330 Project-50 Condominium Units

35. Maintenance Bond

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

36. 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.

37. 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.

38. 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.